First Nations Water Rights in British Columbia

A Historical Summary of the rights of the Kitasoo First Nation

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WATER MANAGEMENT BRANCH

FIRST NATIONS WATER RIGHTS IN BRITISH COLUMBIA:

A Historical Summary of the rights of the Kitasoo First Nation

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Gary Robinson
Project Manager
Water Management Branch

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FIRST NATIONS WATER RIGHTS REPORT

BAND: Kitasoo Band

ADDRESS: General Delivery, Klemtu, B.C., V0T 1L0

CHIEF: Chief Percy Starr

PHONE: 839-1255 **FAX:** 839-1256

AFFILIATION: Oweekeno/Kitasoo Tribal Council, Tsimshian Tribal Council

---

LOCATION:

The Kitasoo First Nation occupies fourteen reserves in an area located south of the town of Kitimat, within the Kitimat Range. The reserves range in size from .4 to 9.7 hectares and occupy a total land area of 598.2 hectares. The reserves are:

Canoona 2	Dil-ma-sow 5	Goo-ewe 8
Kdad-eesh 4	Kinmakanksk 6	Kitasoo 1
Lattkaloup 9	Mary Cove 12	Oatswish 13
Quckwa 7	Saint Joe 10	Skilak 14
Ulthakoush 11	Weeteeam 3	

Of Kitasoo reserves, water rights have been allocated on:

- **Kitasoo 1**: a 334.7 hectare reserve located on the northeastern shore of Swindle Island.

The most recent population figures compiled by the Ministry of Finance indicate that the Kitasoo Band has a total population, including registered and non-registered members, living on- and off-reserve, of 423.

The seven Kitasoo reserves occur in the Coastal Western Hemlock Biogeoclimatic Zone. The reserves lie at elevations ranging from sea level to 1000 feet above sea level, and experience a climate in which an average daily temperatures range from lows of -5 degrees centigrade in January, to highs of approximately 16 degrees centigrade in July. Annual rainfall for the area averages in excess of 250 centimetres.

Water courses of significance include:

- **Baron Lake**: situated northwest of Kitasoo Reserve No. 1.

- **Kitasu Creek**: flows northeast through Kitasu Lake and Kitasoo Reserve No. 1, and then drains into Trout Bay.
- **Kitasu Lake**: situated south of Kitasoo Reserve No. 1.
- **Klemtu Creek**: flows southeast and drains into Trout Bay.

WATER ALLOCATIONS:

There are no records of allocations made by either the Indian Reserve Commission, by Order-in-Council of the Lieutenant Governor in Council, or by Order of the Board of Investigation.

The water rights of the Kitasoo Band have been determined by two actions of government over the years:

1) The issue of water licences in response to Federal Government applications requesting authorization for the use of water on reserve lands.
2) Actions to amend, cancel or record as abandoned, licenced rights pursuant to provisions contained in the *Water Act*.

HISTORY, CURRENT STATUS AND NOTES:

The history of water rights, the current status of rights, and notes for the Kitasoo Band with respect to Baron Lake, Kitasu Creek, Kitasu Lake, and Klemtu Creek are as follows:

Baron Lake:

History:

Nov 1, 1979 In response to an application filed by the Minister of Indian Affairs on behalf of the Kitasoo Band, the Comptroller of Water Rights issued:

i. Conditional Water Licence 53011: The licence was given a precedence date of December 4, 1978 and authorizes the diversion and use of 6.0 cubic feet per second for power purpose. The appurtenant lands are defined as a powerhouse

site situated on unsurveyed Crown Land, Swindle Island, Range 3, Coast District.

ii. Conditional Water Licence 53012: The licence was assigned a precedence date of December 4, 1978 and authorizes the storage of 910 acre feet per year within Baron Lake. The appurtenant lands are specified as set out in Conditional Water Licence 53011.

In connection with Conditional Water Licences 53011 and 53012, Permit Over Crown Lands No.'s 12174 and 12175 were granted to the Kitasoo Band. The permits authorize the occupation of Crown Land for the construction and maintenance of works required under the water licences.

Current Status:

There are currently two licences active on Baron Lake, both of which are held by Kitasoo Power Ltd. Of the 2 licences:

- 1 authorizes the use of 6 cubic feet of water per second for power-general purpose.
- 1 authorizes the use of 910 acre feet of water for storage-power purpose.

Conditional Water Licence 53011 is first in priority on Baron Lake and Conditional Water Licence 53012 is second in priority.

The works authorized under these two licences are used to generate power which supplies Kitasoo Village.

The Water Survey of Canada has no records of streamflow for Baron Lake. No other current sources of water availability information were located during the course of this study.

Notes:

1. There is no additional information with respect to the rights of the Kitasoo Band on Baron Lake.

Kitasu Creek & Lake:

History:

Aug 10, 1935 — In accordance with an application made by the Superintendent of Indian Affairs on behalf of the Kitasoo Band, the Comptroller of Water Rights issued Conditional Water Licence 12626. The licence was given a precedence date of June 24, 1935 and authorizes the diversion of 1.10 cubic feet per second for power purpose and 15,000 gallons a day for domestic use from Kitasoo Creek* and Kitasoo Lake*. The appurtenant lands are specified as Kitasoo Reserve No. 1, Swindle Island, Range 3, Coast District, excluding the cannery site Lot A.

*Note: Kitasoo Creek and Kitasoo Lake are identified as *"Kitasu Creek"* and *"Kitasu Lake"* on the topographic map.

Sep 1, 1948 — Based on the extent to which the rights granted under the Conditional Licence 12626 were exercised, the Comptroller of Water Rights issued Final Water Licence 13092, in substitution, to the Director of Indian Affairs on behalf of the Kitasoo Band. The licence has a precedence date of June 24, 1935 and authorizes the diversion of 1.1 cubic feet per second for power purpose and 15,000 gallons per day for domestic purpose from Kitasoo Creek and Kitasoo Lake. The appurtenant lands are defined as Kitasoo Reserve No. 1, Swindle Island, Range 3, Coast District (excluding the cannery site Lot A).

Nov 1, 1951 — In response to an application filed by the Director of Indian Affairs on behalf of the Kitasoo Band, the Comptroller of Water Rights issued Conditional Water Licence 20313. The licence was given a precedence date of January 12, 1951 and authorizes the diversion of 3.6 cubic feet per second for power purpose from Kitasu (Kitasoo) Lake. The appurtenant lands are specified as a powerhouse site in Kitasoo Reserve No. 1, Swindle Island, except Parcel A, Range 3, Coast District.

Mar 1, 1954 — In accordance with an application made by J.H. Todd and Sons Ltd., the Comptroller of Water Rights issued Conditional Water Licence 21866. The licence was given a precedence date of December 8, 1953 and authorizes the diversion of 325,000 gallons per day for industrial (fish cannery) purpose and 25,000 gallons per day for domestic purpose. The appurtenant land is defined as Parcel X of part of Kitasoo Reserve No. 1, Range 3, Coast District.

Mar 1, 1957 In response to an application made by the Director of Indian Affairs on behalf of the Kitasoo Band, the Comptroller of Water Rights issued Conditional Water Licence 23562. The licence was assigned a precedence date of November 25, 1954 and authorizes the storage of 320 acre feet from Kitasoo Lake. The purpose for which the water is to be used, and the appurtenant lands, are as specified in Conditional Water Licence 20313.

Apr 16, 1957 A letter received from the Indian Commissioner for BC stated that the high initial cost required for installation of a hydro-electric project was beyond the financial means of the Kitasoo Band. In view of this, Conditional Water Licence 20313 was recorded as abandoned.

Jun 20, 1957 In response to the request for the abandonment of Conditional Licence 20313, Conditional Water Licence 23562 was recorded as abandoned on this date. The licence authorized the storage of water required in support of Conditional Licence 20313.

Jul 25, 1957 In accordance with a letter received from Indian Commissioner for BC which stated that the 1.10 cubic foot per second for power purpose was no longer needed, the Deputy Comptroller of Water Rights issued an Order to amend clauses (d), (e), and (h) of Final Water Licence 13092.

Apr 10, 1969 A letter from solicitors for British Columbia Packers Ltd. stated that effective March 31, 1969, their client had acquired certain assets of J.H. Todd and Sons Ltd. These included the assets owned in connection with the Todd and Sons cannery operations at Klemtu, B.C., and authorized under Conditional Water Licence 21866.

May 7, 1969 In response to the letter dated April 10, 1969 from legal advisor to British Columbia Packers Ltd., the Comptroller of Water Rights transferred the rights authorized under Conditional Water Licence 21866 to British Columbia Packers Ltd.

Mar 1, 1971 In accordance with an abandonment notice filed on February 26, 1971 by British Columbia Packers Ltd., the Comptroller of Water Rights abandoned Conditional Water Licence 21866.

Jan 20, 1993 In accordance with an application made by the Kitasoo Band Council, the Regional Water Manager issued Conditional Water Licence 101239. The licence was given a precedence date of June 19, 1990 and authorizes the diversion of 36,000 gallons of water for waterworks purpose and .75 cubic feet per second for conservation

(hatchery) purpose from Kitasoo Lake. The appurtenant land is specified as Kitasoo Reserve No. 1, Swindle Island, Range 3, Coast District.

Aug 24, 1990 The Regional Water Manager issued an Order to amend Final Water Licence 13092 after having determined that the purpose for which water was to be used, was incorrectly stated.

Jan 20, 1993 In accordance with an application made by the Kitasoo Band Council, the Regional Water Manager issued Conditional Water Licence 105854. The licence was assigned a precedence date of June 19, 1990 and authorizes the storage of 312 acre feet of water from Kitasoo Creek. The appurtenant lands are defined as Kitasoo Reserve No. 1, Swindle Island, Range 3, Coast District.

In support of Conditional Water Licences 101239 and 105854, Permit Over Crown Lands No.'s 20562 and 20574 were granted to the Kitasoo Band. The permits authorize the occupation of Crown Land for the construction and maintenance of works required under the water licences.

Current Status:

Kitasu Creek

Conditional Water Licence 10584, for the use and benefit of the Kitasoo Band, is currently the only active licence on Kitasu Creek.

The Water Survey of Canada has no records of streamflow on Kitasu Creek. No alternative sources of current water availability information were located during the course of this study.

Kitasu Lake

There are currently two licences active on Kitasu Lake, both of which are for the use and benefit of the Kitasoo Band. Of these licences:

- 1 authorizes the use of 20,000 gallons of water per day for domestic purpose.
- 1 authorizes the use of 36,000 gallons per day for waterworks purpose.
- 1 authorizes the use of .75 cubic feet per second for conservation-use of water purpose.

*Note: A single licence may be issued to authorize diversion and use for more than one purpose.

Final Water Licence 13092 is first in priority on Kitasu Lake and the rights authorized under Conditional Water Licence 101239 are second in priority.

The Water Survey of Canada has no records of streamflow on Kitasu Lake. No other current information on water availability was found during this review.

Notes:

1. Under current licensing practices Final Water Licence 13092 would be issued for domestic and waterworks purpose. The amendment of this licence would allow for the designation of the Kitasu Creek and Lake drainage area as a Community Watershed under the Forest Practices Code.

Klemtu Creek:

History:

Feb 8, 1927 — In accordance with an application made by Robert George Johnston on behalf of the Kitasoo Band, the Comptroller of Water Rights issued Conditional Water Licence 8652. The licence was given a precedence date of September 27, 1926 and authorizes the diversion of 10,000 gallons per day from Klemtu Creek for industrial purpose. The appurtenant lands are defined as that part of Lot A, Kitasoo Reserve , Swindle Island R. 3 Coast, on which is situate a cannery and appendages thereto.

May 20, 1937 — Based on the extent to which the rights granted under Conditional Licence 8652 were exercised, the Comptroller of Water Rights issued Final Water Licence 10013, in substitution, to J.H. Todd and Sons, Ltd. The licence was assigned a precedence date of September 27, 1926 and authorizes the diversion of 10,000 gallons per day from Klemtu Creek for industrial purpose, and 10,000 gallons per day for domestic purpose. The appurtenant lands are specified as a cannery situated on Lot A of Kitasoo Reserve, Swindle Island, Range 3, Coast District.

Dec 2, 1970 — An application for Transfer of Appurtenancy regarding Final Water Licence 10013 was made by British Columbia Packers Ltd. The application requested the transfer of all the rights authorized under the Conditional Licence 10013 to BC Packers Ltd. In addition, the application stated that BC Packers wished to amend clause (g) of the licence to authorize the use of water on the following land:

"the land upon which the water is to be used and to which this licence is appurtenant is Parcel X, Kitasoo Indian Reserve No. 1, Range 3, Coast District, Swindle Island, Plan 3569."

Jun 1, 1973 In accordance with an application made by the Superintendent General of Indian Affairs on behalf of the Kitasoo Band, the Comptroller of Water Rights issued Conditional Water Licence 40991. The licence was given a precedence date of June 17, 1970 and authorizes the diversion of 10,000 gallons of water per day from Klemtu Creek for domestic purposes. The appurtenant land is specified as Kitasoo Reserve No. 1, Swindle Island, Range 3, Coast District, except Plan 3569.

Current Status:

There are currently two licences active on Klemtu Creek, both of which are for the use and benefit of the Kitasoo Band. Of these licences:

- 2 authorize the use of 10,000 gallons of water per day for domestic purpose.
- 1 authorizes the use of 1,000 gallons per day for processing purpose.

*Note: A single licence may be issued to authorize diversion and use for more than one purpose.

Conditional Water Licences 10013 and 40991 are first and second in priority respectively.

The Water Survey of Canada has no records of streamflow for Klemtu Creek. No alternative sources of current water availability data were located during the course of this study.

Notes:

1. The allotment of water under Conditional Water Licence 40991 is less than the amount that the Kitasoo Band applied for.

2. Under current licensing practices Final Water Licence 10013 would be issued for industrial, domestic, and waterworks purpose. In addition, Conditional Water Licence 40991 would be issued for domestic and waterworks purpose. The amendment of these licences would qualify the Klemtu Creek drainage area for designation as a "Community Watershed" under provisions contained in the Forest Practices Code.

OTHER INFORMATION:

Additional Water Records:

The *Schedule of Indian Reserves in the Dominion, 1913,* is a document published by the federal government, recording each Band's water allocations up to 1913. It is believed that these records are a compilation of Minute of Decisions, Order-in-Councils, and perhaps other formal documents. However, as the original copies of the documents referenced is unavailable, the dates and information contained in them cannot be verified.

1. **Fisheries:**

The *Schedule of Indian Reserves in the Dominion* allocated the use of the following for the Kitasoo Band:

Reserve	Fisheries Allocation
Canoona 2 Kitasoo 1	*"The Kitasoo Indians have the privilege of fishing in the *Canoona River for a distance of two miles from its mouth."*

*Note: Canoona River is located within Canoona Reserve No. 2.

Groundwater Records:

A review of well records maintained by the MELP - Groundwater Section found that no wells have been reported on any of the Kitasoo Reserves. However, as the provision of this well information to the Groundwater Section is voluntary, this review should not be assumed to be complete.

Alternate Water Sources:

At this time the potential for water supply from a municipality is limited as there are no municipal water systems in the proximity of the Kitasoo Reserves.

ATTACHMENT 1

Summary of Water Rights Records

Kitasoo First Nation

Water Source	Priority Date	Reserve Name	File No.	Document Type	Status	Superceded By	Licence PUC/MOD & OIC Allotments	Comments
Baron Lake	1978/12/04	Kitasoo 1	0364965	CL 53011	Current		6 CS/Power	
Baron Lake	1978/12/04	Kitasoo 1	0364965	CL 53012	Current		910 AF/Storage (in support - CL 53011)	
Kitasoo Creek, Kitasoo Lake	1935/06/24	Kitasoo 1	0121049	CL 12626	Superceded	FL 13092	1.1 CS/Power, 15,000 GAD/Domestic	
Kitasoo Creek, Kitasoo Lake	1935/06/24	Kitasoo 1	0121049	FL 13092	Current		1.1 CS/Power 15,000 GAD/Domestic	
Kitasoo Lake	1951/01/12	Kitasoo 1	0187353	CL 20313	Abandoned		3.6 CS/Power	
Kitasoo Creek	1953/12/08	Kitasoo 1	0202279	CL 21866	Abandoned		325,000 Industrial (Fish Cannery), 25,000 GAD/Domestic	
Kitasoo Lake	1954/11/25	Kitasoo 1	0206254	CL 23562	Abandoned		320 AF/Storage (in support CL 20313)	
Kitasoo Lake	1990/06/19	Kitasoo 1	6000602	CL 101239	Current		36 GAD/Waterworks .75 CS/CONUS	

Water Source	Priority Date	Reserve Name	File No.	Document Type	Status	Superceded By	Licence PUC/MOD & OIC Allotments	Comments
Kitasoo Creek	1990/06/19	Kitasoo 1	6000602	CL 105854	Current		312 AF/Storage - Non-power	
Klemtu Creek	1926/09/27	Kitasoo 1	0072039	CL 8652	Superceded	FL 10013	10,000 GAD/Industrial, 10,000 GAD/ Domestic	
Klemtu Creek	1926/09/27	Kitasoo 1	0072039	FL 10013	Current		10,000 GAD/Industrial 10,000 GAD/Domestic	FL 10013: Under current licencing practices licence would be issued for Industrial and "Waterworks" purpose. Ammendment as such would qualify the Klemtu Creek drainage area for designation as "Community Watershed" under provisions contained in the FPC.
Klemtu Creek	1970/06/17	Kitasoo 1	0296615	CL 40991	Current		10,000 GAD/Domestic	CL 40991 - Allocation Volume: Less than amount originally applied for.

ATTACHMENT 2

PROVINCE OF BRITISH COLUMBIA.

WATER RIGHTS BRANCH.

DEPARTMENT OF LANDS.

CONDITIONAL WATER LICENCE.

For ....Industrial.... purpose.

Appurtenant to ....that part of Lot "A", Kitasoo Indian Reserve, Swindle Island R.3, Coast, on which is situate a cannery and appendages thereto.....

WHEREAS ....ROBERT GEORGE JOHNSTON.... as owner or lawful occupant of the land, mine, or undertaking hereinafter specified has applied for a licence to take and use water in the manner hereinafter set out, and has taken all the steps required of such applicant under the "Water Act," prior to the issue of this licence, and is, under the said Act, entitled thereto:

Now, therefore, in pursuance of the said Act, this conditional licence is issued, granting the licensee hereunder the right to take and use water under the following terms and conditions:—

(a.) The source of the water-supply is ....Klemtu Creek....

a tributary of ....Trout Bay....

(b.) The point of diversion from the stream is located as shown in the exhibit marked "A" hereto attached, which is incorporated herewith and made a part hereof.

(c.) The date from which this licence and the right to take and use water thereunder shall take precedence is ....27th September, 1926....

(d.) The water is to be used for ....Industrial.... purpose and incidentally for ....Domestic.... purpose.

(e.) The maximum quantity of water which may be used at the place of use is:—

Superseded by 10,013 Final Licence

For ....Industrial.... purpose ....10,000 gallons a day....

For .... purpose ....

and an additional amount may be diverted to provide against reasonable loss by seepage and evaporation in conveyance from the point of diversion to the place of use.

(f.) The period of the year during which the water may be used is ....the whole year....

(g.) The area and description of the lands or mines upon which the water may be used is

....that part of Lot "A", Kitasoo Indian Reserve, Swindle Island R.3, Coast, on which is situate a cannery and appendages thereto....

which area and description are more particularly shown in the said exhibit "A."

File Number ....072039....

Licence Number 8652

W.R.B. 1002(1)-1M-220-3060. (Conditional Licence—Domestic, Mining, Miscellaneous, etc.)

ORIGINAL

(*h.*) The works which are required to be constructed consist of all the works set out in the exhibit marked "B" hereto attached, which is incorporated herewith and made a part hereof.

(*i.*) The construction of the said works shall be commenced on or before the 1st day of May 19 27, and shall be prosecuted with due diligence and in a workmanlike manner and to the satisfaction of the Comptroller of Water Rights.

(*j.*) The said construction shall be completed and the water beneficially used for the purpose set out in this licence on or before the 30th day of September, 1928.

(*k.*)

(*l.*) Before any change is made in the said works which would be a material deviation from the plans as approved or the works as accepted by the Comptroller, plans of such proposed change must be filed with the Comptroller and approved by him.

(*m.*) This licence shall not in any way be deemed to be a final licence for the use of water, but shall have the effect only of a conditional licence issued under Part II. of the "Water Act," and shall be subject to all the provisions of said Act, including the filing of proof of the completion of the said works and the putting of the water to such beneficial use within the time limited by the provisions of section 74 of the said Act.

APPROVED
AS TO FORM
Clerk
Legal

Issued this 8th day of February, 19 27.

Comptroller of Water Rights.

Recommended
8652
Licence Number
Checked by
Entered by

File Number 07 2039

N.B.—In order that statements of rentals due the Province shall be sent to the proper party, notice of the date of any change in the ownership of the lands, mines, or undertaking specified in this licence should be filed with the Comptroller of Water Rights by the new owner.

W.H.B. 1002(2)-1M-226-3000. (Conditional Licence—Domestic, Mining, Miscellaneous, etc.)

ORIGINAL

PROVINCE OF BRITISH COLUMBIA.

WATER RIGHTS BRANCH.

DEPARTMENT OF LANDS.

EXHIBIT "B."

(APPROVAL OF PLANS AND LIST OF WORKS TO BE CONSTRUCTED.)

The works which are accepted as necessary and suitable for the taking and (or) using of the water under the above-mentioned licence, and which are more fully set out in the plans and specifications filed in the office of the Comptroller of Water Rights numbered .....

527433 B

as altered, amended, or limited by supplemental plans and specifications numbered .....

or in letters or other documents referred to as.....

which plans and specifications as thus altered, amended, or limited are hereby approved, are as follows:—

Pipe

File No. 072039

J. Macdonald

Comptroller of Water Rights.

Form 1001, W.R.B. (Approval of Plans)—2,100-1021-2161—(Forming part of Conditional Water Licence No. 8652).

95 (A-11)

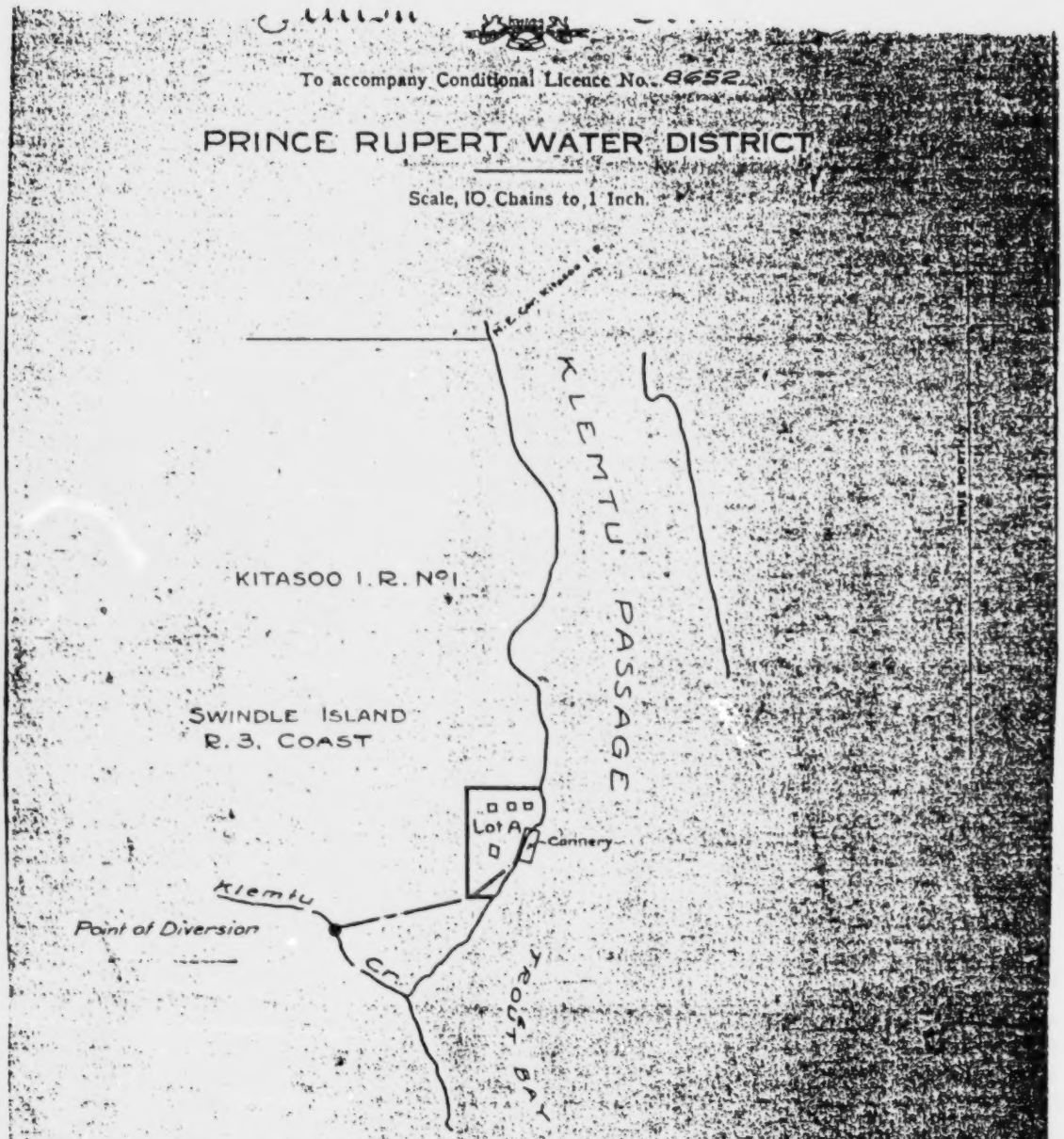
by TMD

ORIGINAL

To accompany Conditional Licence No. 8652.

PRINCE RUPERT WATER DISTRICT

Scale, 10 Chains to 1 Inch.



The boundaries of the land to which this licence is appertenant are shown shaded.

The Tracing for this Licence has been used for the Final Licence.

Signature

Date 8th Feb 1927

C.L. 8652
File 072039

EXHIBIT "A"

REF. MAP 25 [A-1]

W.R.B. 100 684-7935

PROVINCE OF BRITISH COLUMBIA.

WATER RIGHTS BRANCH.

DEPARTMENT OF LANDS.

CONDITIONAL WATER LICENCE.

The Superintendent-General of Indian Affairs of Ottawa, is hereby authorized to divert and use water as follows:—

(a.) The source of the water-supply is Kitasoo creek and lake.

(b.) The point of diversion is located as shown on the attached plan.

(c.) The date from which this licence shall have precedence is 24th June, 1935.

(d.) The purpose for which the water is to be used is power and domestic.

(e.) The maximum quantity of water which may be diverted is 1.10 cubic feet a second for power purpose and 15,000 gallons a day for domestic use, and such additional quantity as the District Engineer may from time to time determine should be allowed for losses.

(f.) The period of the year during which the water may be used is throughout the year.

(g.) The land upon which the water is to be used is Kitasoo Indian Reserve No.1, Swindle Island, Range 3, Coast District, excluding the cannery site Lot "A,"

(h.) The works for the diversion and carriage of the water are dam and pipes, as shown on the attached plan.

(i.) 30th day of September and shall be commenced on or before the 1935 and shall be completed and the water beneficially used on or before the 31st day of December 193 7.

Superseded by F.L. 13092

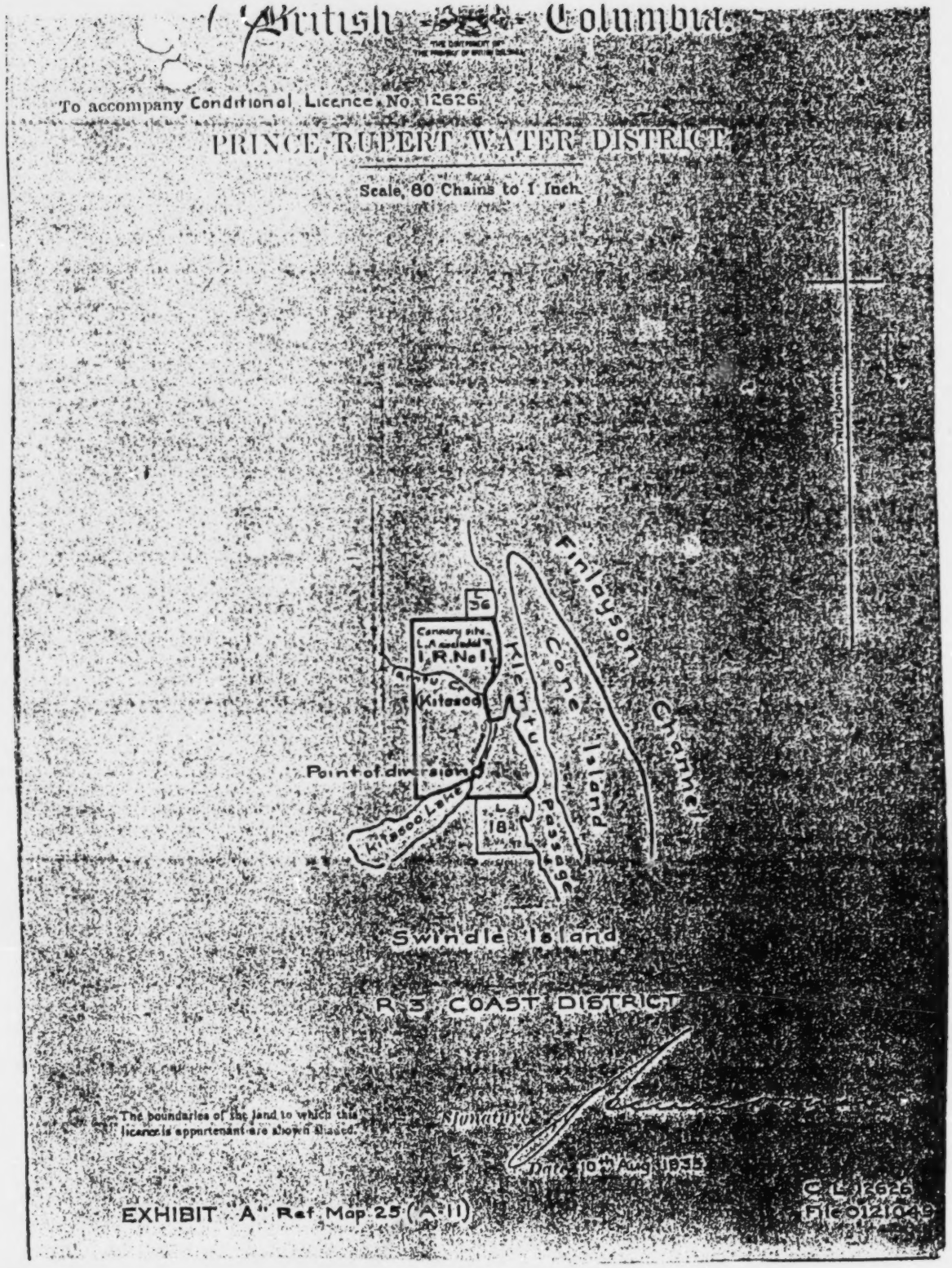
DIVERTED
[illegible]

[illegible]

Comptroller of Water Rights.

K 25 (A-11)

File No. 0121049. Date issued 10th August, 1935. Licence No. 12626


British Columbia
To accompany Conditional Licence No. 12626.
PRINCE RUPERT WATER DISTRICT
Scale, 80 Chains to 1 Inch.
Finlayson Channel
Cone Island
Kitasoo
Kitasoo Lake
Point of diversion
Swindle Island
R. 3 COAST DISTRICT
Slumatiu
Date 10th Aug 1935
The boundaries of the land to which this licence is appurtenant are shown blocked.
EXHIBIT "A" Ref. Map 25 (A-11)
C L 12626
File 0121049

W.R.B. 13—[illegible]-3074 (2)

PROVINCE OF BRITISH COLUMBIA

Water Rights Branch

DEPARTMENT OF LANDS AND FORESTS

CONDITIONAL WATER LICENCE

THE DIRECTOR OF INDIAN AFFAIRS of Ottawa, Ontario is hereby authorized to divert and use water as follows:—

(a) The source of the water-supply is Kitasu (Kitasoo) Lake.

(b) The point of diversion is located as shown on the attached plan.

(c) The date from which this licence shall have precedence is 12th January, 1951.

(d) The purpose for which the water is to be used is Power.

(e) The maximum quantity of water which may be diverted is 3.6 cubic feet per second and such additional quantity as the Engineer may from time to time determine should be allowed for losses.

(f) The period of the year during which the water may be used is the whole year.

(g) The land upon which the water is to be used and to which this licence is appurtenant is a power house site in Indian Reserve No. 1, Kitasoo, Swindle Island, except Parcel A, Range 3, Coast District.

(h) The works authorized to be constructed are Pipe and Power Plant and they shall be located approximately as shown on the attached plan.

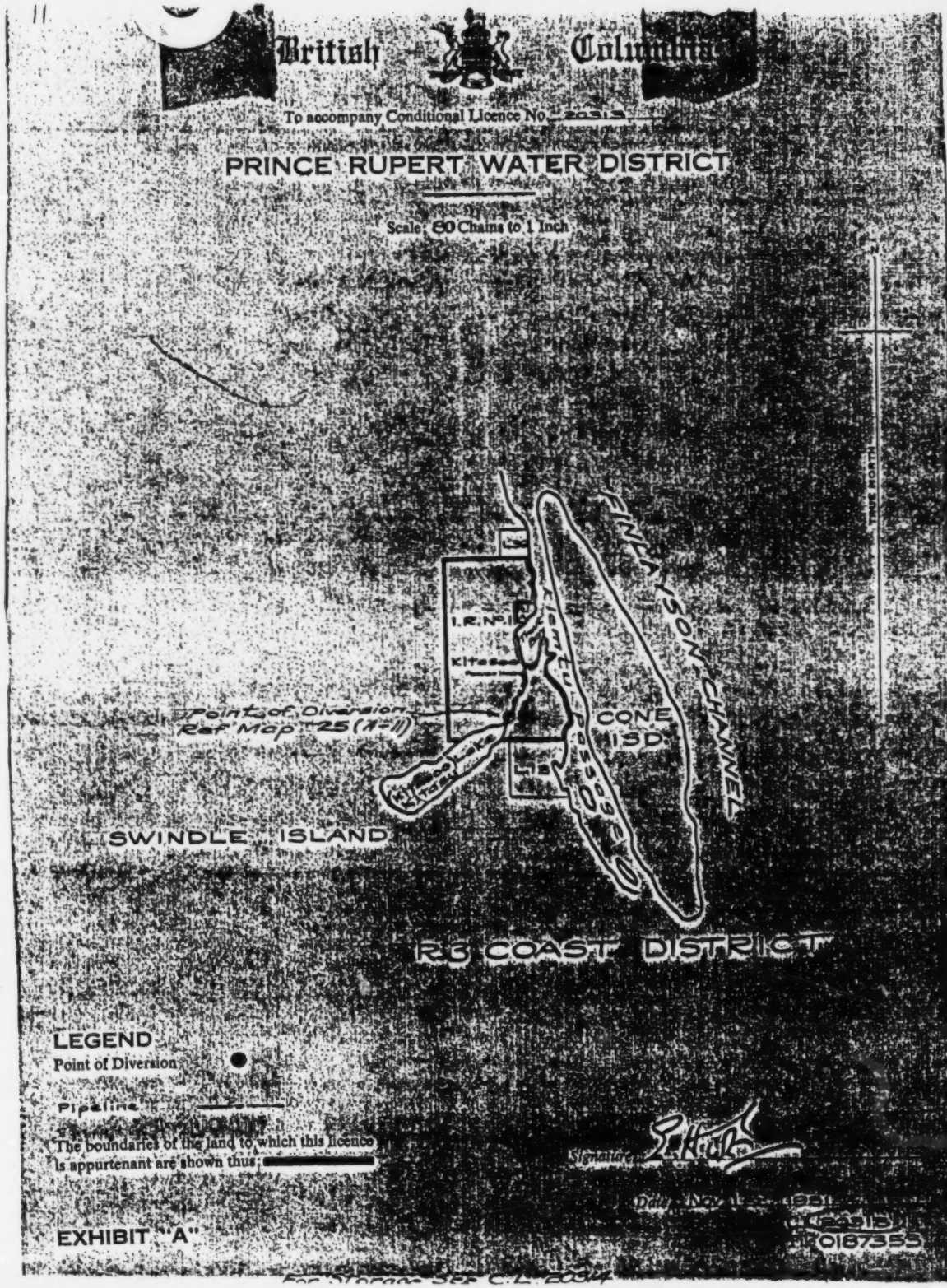
(i) The construction of the said works shall be commenced on or before the 30th day of April, 1952, and shall be completed and the water beneficially used on or before the 31st day of December, 1954.

ENTERED ON Map No. 85(A-11) By A=L

Abandoned 16/4/57.

(E.H.Tredcroft)
Comptroller of Water Rights.

File No. 0187353 Date issued November 1, 1951 Licence No. 20313


British Columbia
To accompany Conditional Licence No. 20313
PRINCE RUPERT WATER DISTRICT
Scale: 80 Chains to 1 Inch
TRUE NORTH
FINLAYSON CHANNEL
I.R. No. 1
Kitasoo
Point of Diversion
Ref Map 25 (A-11)
CONE
13 D.
SWINDLE ISLAND
R3 COAST DISTRICT
LEGEND
Point of Diversion
Pipeline
The boundaries of the land to which this licence is appurtenant are shown thus:
Signature
Date Nov
EXHIBIT "A"
20313
0187353

W.R.B. 13—3M-353-2622 (3)

PROVINCE OF BRITISH COLUMBIA

Water Rights Branch

DEPARTMENT OF LANDS AND FORESTS

CONDITIONAL WATER LICENCE

J.H. Todd and Sons Ltd. of 1306 Wharf St., Victoria, B.C.

is hereby authorized to divert and use water as follows:—

(a) The source of the water-supply is Kitasoo Creek.

(b) The point of diversion is located as shown on the attached plan.

(c) The date from which this licence shall have precedence is 8th December, 1953.

(d) The purpose for which the water is to be used is Industrial (fish cannery) and domestic

(e) The maximum quantity of water which may be diverted for Industrial (fish cannery) purpose is 325,000 gallons a day and for domestic purpose is 25,000 gallons a day and such additional quantity as the Engineer may from time to time determine should be allowed for losses.

(f) The period of the year during which the water may be used is the whole year.

(g) The land upon which the water is to be used and to which this licence is appurtenant is

Parcel X of part of Indian Reserve No. 1, Kitasoo, Range 3, Coast District.

(h) The works authorized to be constructed are intake dam and pipe

and they shall be located approximately as shown on the attached plan.

(i) The construction of the said works shall be commenced on or before the 31st day of May, 1954, and shall be completed and the water beneficially used on or before the 31st day of December, 1956.

ABANDONED MAR 1 1971

ENTERED ON
Map No. REF MAP 25(B-4)
By R.M.

(A. W. Paget)
Deputy Comptroller of Water Rights.

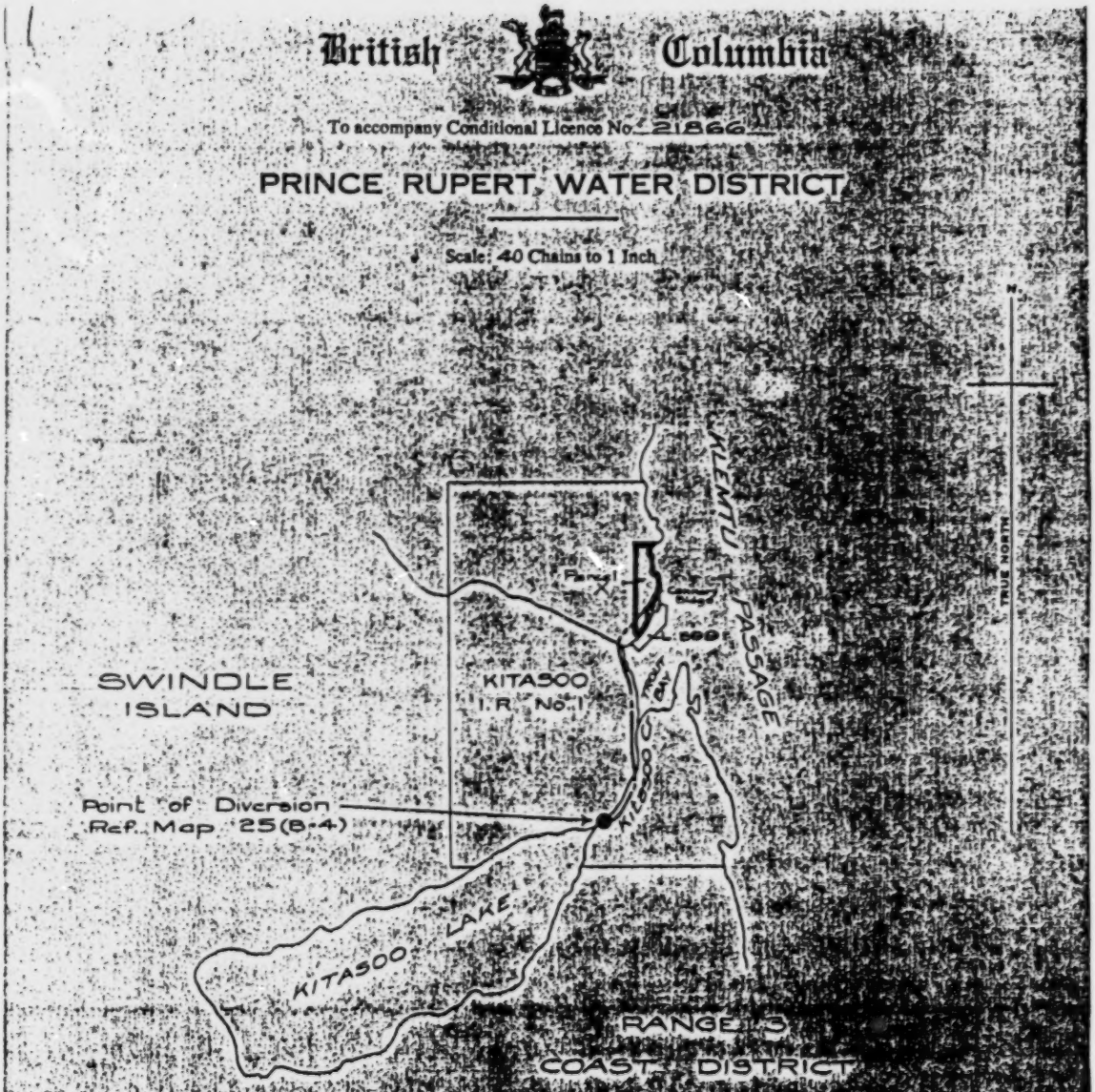
File No. 0202279 Date issued March 1, 1954. Licence No. 21866

British Columbia

To accompany Conditional Licence No. 21866

PRINCE RUPERT WATER DISTRICT

Scale: 40 Chains to 1 Inch



LEGEND

Point of Diversion

Pipe

The boundaries of the land to which this licence is appurtenant are shown thus: ———

Signature

Date

EXHIBIT "A"

21866

File 0202279

W.R.B. 13—0

PROVINCE OF BRITISH COLUMBIA

Water Rights Branch

DEPARTMENT OF LANDS AND FORESTS

CONDITIONAL WATER LICENCE

The Director of Indian Affairs, of Ottawa, Ontario,

is hereby authorized to store water as follows:—

(a) The source of the water-supply is Kitasoo Lake.

(b) The point of storage is located as shown on the attached plan.

(c) The date from which this licence shall have precedence is 25th November, 1954.

(d) The purpose for which the water is to be used is as set out in Conditional Water Licence No. 20313.

(e) The maximum quantity of water which may be stored is 320 acre feet per annum, and such additional quantity as the Engineer may from time to time determine should be allowed for losses.

(f) The period of the year during which the water may be stored is 1st October to 15th June.

(g) The land upon which the water is to be used and to which this licence is appurtenant is as set out in Conditional Water Licence No. 20313.

(h) The works authorized to be constructed are dam,

and they shall be located approximately as shown on the attached plan.

(i) The construction of the said works shall be commenced on or before the 31st day of May, 1957, and shall be completed and the water beneficially used on or before the 31st day of December, 1960.

Ref ENTERED ON Map No. 25 (B-9) By ...

Abandoned 30/6/57.

A. R. Paget,
Comptroller of Water Rights.

File No. 0206254 Date issued March 1st, 1957. Licence No. 23562

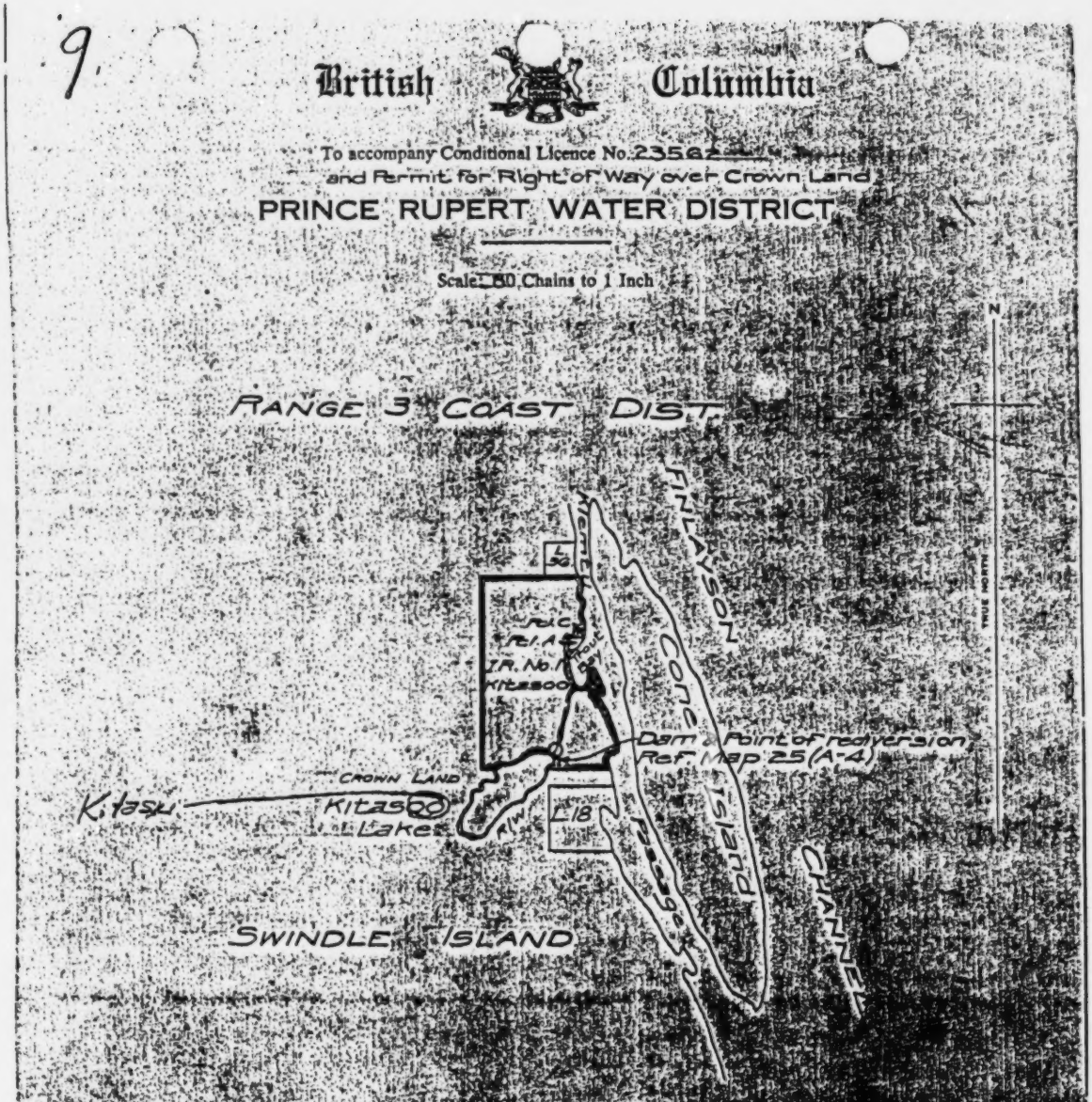
9.

British Columbia

To accompany Conditional Licence No. 23562
and Permit for Right of Way over Crown Land

PRINCE RUPERT WATER DISTRICT

Scale 80 Chains to 1 Inch



LEGEND

Point of Rediversion Dam ○

Pipe — — —

Right of Way ▬▬

The boundaries of the land to which this licence is appurtenant are shown thus: ▬▬

Signature [signature]

Date 26 March 1957

EXHIBIT "A"

C.L. 23562

File 0206254

Permit No. 4250

For diversion see C.L. 20313

For R/W see Ref. Map 25(A-4)

WATER RESOURCES SERVICE
WATER RIGHTS BRANCH

DEPARTMENT OF LANDS, FORESTS, AND WATER RESOURCES

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT

CONDITIONAL WATER LICENCE

Superintendent General of Indian Affairs
(Bella Coola Agency) of Ottawa, Ontario.

is/are hereby authorized to divert and use water as follows:—

(a) The source(s) of the water-supply is/are Klemtu Creek.

(b) The point(s) of diversion is/are located as shown on the attached plan.

(c) The date from which this licence shall have precedence is 17th June, 1970.

(d) The purpose for which the water is to be used is domestic.

(e) The maximum quantity of water which may be diverted is 10,000 gallons a day, and such additional quantity as the Engineer may from time to time determine should be allowed for losses.

(f) The period of the year during which the water may be used is the whole year.

(g) The land upon which the water is to be used and to which this licence is appurtenant is Kitasoo Indian Reservation No. 1, Swindle Island, Range 3, Coast District, except Plan 3569.

(h) The works authorized to be constructed are diversion structure, balancing reservoir, pipe and distribution system, which shall be located approximately as shown on the attached plan.

(i) The construction of the said works has been completed and the water shall be beneficially used on or before the 31st day of December, 1974.

H.D. DeBeck,
Comptroller of Water Rights.

File No. 0296615 Date issued: June 1, 1973 Conditional Licence No. 40991

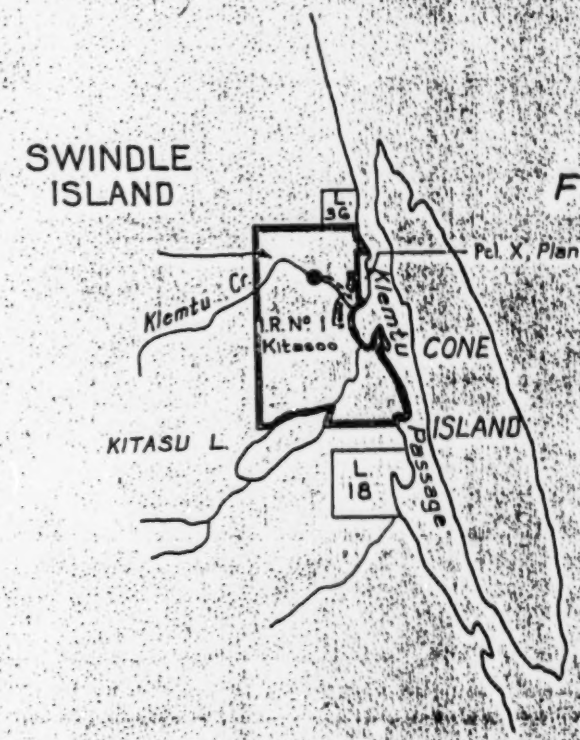
ENTERED ON
Map No. 103A/11E (1-4)
By

British Columbia

PRINCE RUPERT WATER DISTRICT

RANGE 3, COAST DISTRICT

Scale: 40 Chains to 1 Inch



LEGEND

Point of Diversion ●

Ref. Map 103 A/NE (B-4)

Pipe — — —

The boundaries of the land to which this licence is appurtenant are shown thus: ———

KITIMAT PRECINCT

Signature [signature]

Date 1st June 1973

CL 40991

File 0296615

LAND AND WATER MANAGEMENT
WATER RIGHTS BRANCH

MINISTRY OF THE ENVIRONMENT

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT

CONDITIONAL WATER LICENCE

The Honourable Minister of Indian and Northern Affairs of Ottawa, Ontario

is/are hereby authorized to divert and use water as follows:—

(a) The source(s) of the water-supply is/are Baron Lake.

(b) The point(s) of diversion is/are located as shown on the attached plan.

(c) The date from which this licence shall have precedence is 4th December, 1978.

(d) The purpose for which the water is to be used is power.

(e) The maximum quantity of water which may be diverted is 6 cubic feet per second, and such additional quantity as the Engineer may from time to time determine should be allowed for losses.

(f) The period of the year during which the water may be used is the whole year.

(g) This licence is appurtenant to a powerhouse site situated on unsurveyed Crown Land, Swindle Island, Range 3, Coast District.

(h) The works authorized to be constructed are diversion structure, penstock, powerhouse and powerline.

which shall be located approximately as shown on the attached plan.

(i) The construction of the said works shall be commenced on or before the 1st day of May, 1980, and shall be completed and the water beneficially used on or before the 31st day of December, 1983.

(j) The rights granted under this licence may be deemed to be subsequent to any rights granted under any licence or licences that may be issued at any time for the consumptive use of water.

J. E. Farrell,
Deputy *Comptroller of Water Rights.*

File No. 0364965 Date issued: 1st November, 1979 Conditional Licence No. 53011

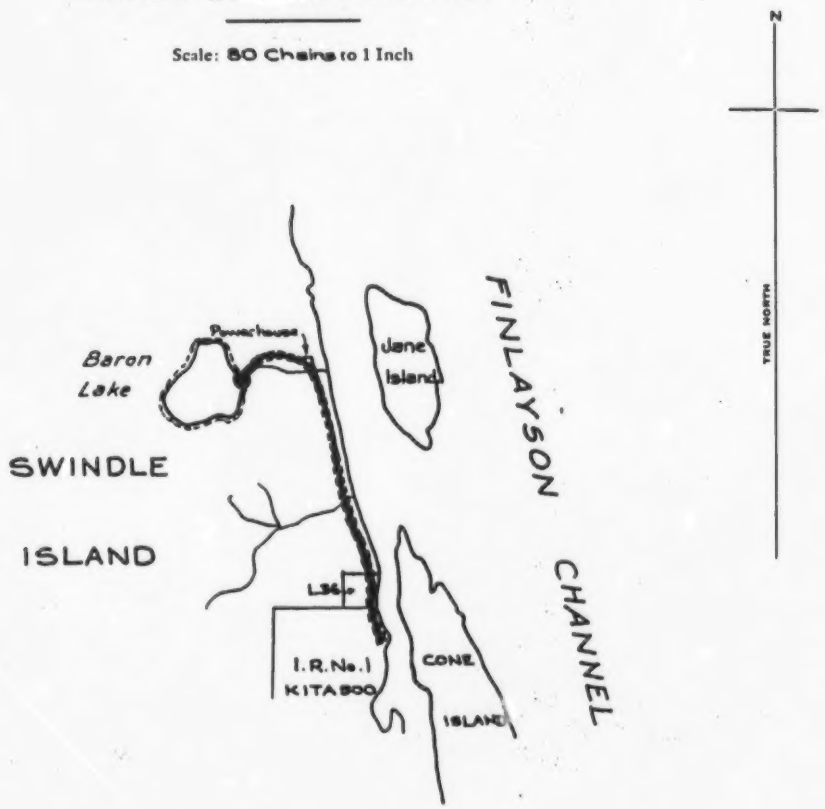
ENTERED ON
Map No. 103A/NE
By DPB

British Columbia

PRINCE RUPERT WATER DISTRICT

RANGE 3, COAST DISTRICT

Scale: 80 Chains to 1 Inch



LEGEND

Point of Diversion ●
Ref. Map 103 A/NE (10-a)
Penstock & Powerline ——— - ———
Right of Way ▭▭▭▭▭▭▭▭

Signature Jos R Revell

Date 1st Nov. 1979.

C.L. 53011
File 0364965
R/W Permit No. 12174

Kitimat Precinct
For Storage See C.L. 53012

100-871-6447

LAND AND WATER MANAGEMENT
WATER RIGHTS BRANCH

MINISTRY OF THE ENVIRONMENT

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT

CONDITIONAL WATER LICENCE

The Honourable Minister of Indian and Northern Affairs of Ottawa, Ontario

is/are hereby authorized to store water as follows:—

(*a*) The source(s) of the water-supply is/are Baron Lake and the reservoir is the lake.

(*b*) The point(s) of storage is/are located as shown on the attached plan.

(*c*) The date from which this licence shall have precedence is 4th December, 1978.

(*d*) The purpose for which the water is to be used is as set out in Conditional Water Licence 53011.

(*e*) The maximum quantity of water which may be stored is 910 acre feet per annum,

and such additional quantity as the Engineer may from time to time determine should be allowed for losses.

(*f*) The period of the year during which the water may be stored is the whole year.

(*g*) The land upon which the water is to be used and to which this licence is appurtenant is as set out in Conditional Water Licence 53011.

(*h*) The works authorized to be constructed are dam.

which shall be located approximately as shown on the attached plan.

(*i*) The construction of the said works shall be commenced on or before the 1st day of May, 1980, and shall be completed and the water beneficially used on or before the 31st day of December, 1983.

(j) Construction of the dam authorized under clause (h) hereof shall not be commenced until plans of same have been submitted to and have been approved by the Engineer for the Prince Rupert Water District. Upon completion of construction, the licensee shall submit to the Engineer for the Prince Rupert Water District, two copies of drawings of the dam and appurtenances as built, certified by the licensee's engineer.

(k) The reservoir area must be cleared in such manner and to such extent as directed by the Engineer for the Prince Rupert Water District.

J. B. Farrell,
Deputy *Comptroller of Water Rights.*

File No. 0364965 Date issued: 1st November, 1979 Conditional Licence No. 53012

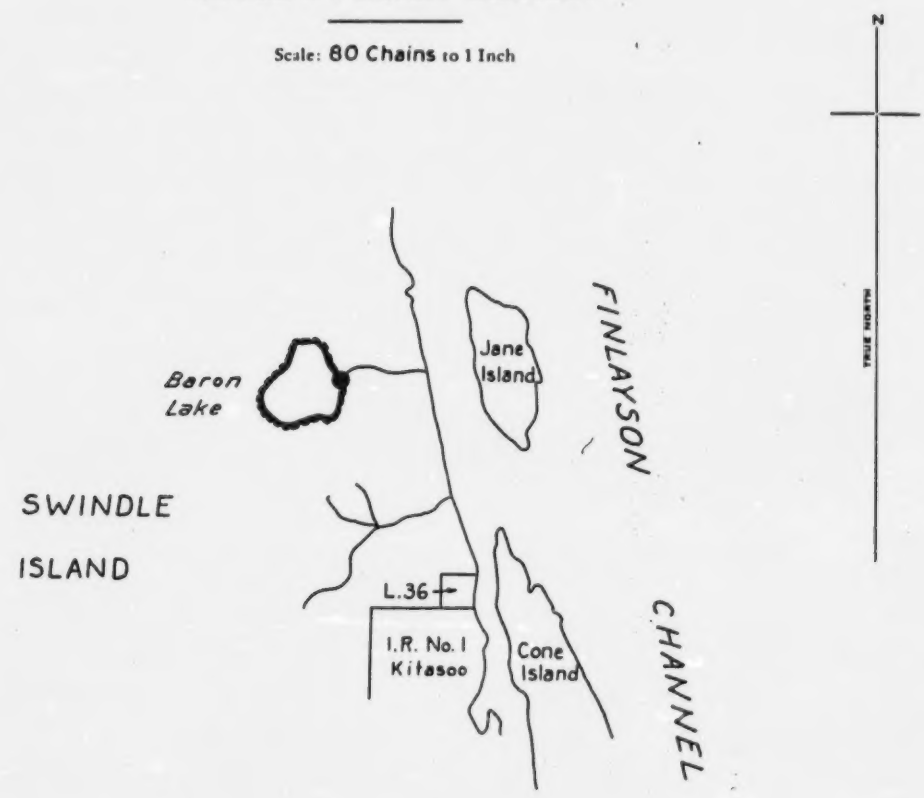
ENTERED ON
Map No. 103A/NE
By DCB

British Columbia

PRINCE RUPERT WATER DISTRICT

RANGE 3 , COAST DISTRICT

Scale: 80 Chains to 1 Inch



LEGEND

Dam ●

Ref. Map 103A/NE(10-a)

Right-of-Way

Signature Jack Powell

Date 1st Nov. 1979

C.L. 53012

File 0364965

R/W Permit No. 12175

100-871-8447

Kitimat Precinct

For Diversion See C.L. 53011

MINISTRY
OF ENVIRONMENT,
LANDS AND PARKS

WATER MANAGEMENT
BRANCH

PROVINCE OF BRITISH COLUMBIA - WATER ACT

CONDITIONAL WATER LICENCE

Kitasoo Band Council (987-540-7886) of Klemtu, B.C., VOT 1LO

is hereby authorized to divert and use water as follows:

(a) The stream on which the rights are granted is Kitasoo Lake.

(b) The point of diversion is located as shown on the attached plan.

(c) The date from which this licence shall have precedence is 19th June, 1990.

(d) The purposes for which this licence is issued are waterworks and conservation (hatchery).

(e) The maximum quantity of water which may be diverted for waterworks purpose is 36,000 gallons a day and for conservation (hatchery) purpose is 0.75 cubic feet per second.

(f) The period of the year during which the water may be used is the whole year.

(g) The land upon which the water is to be used and to which this licence is appurtenant is Kitasoo Indian Reserve #1, Swindle Island, Range 3, Coast District.

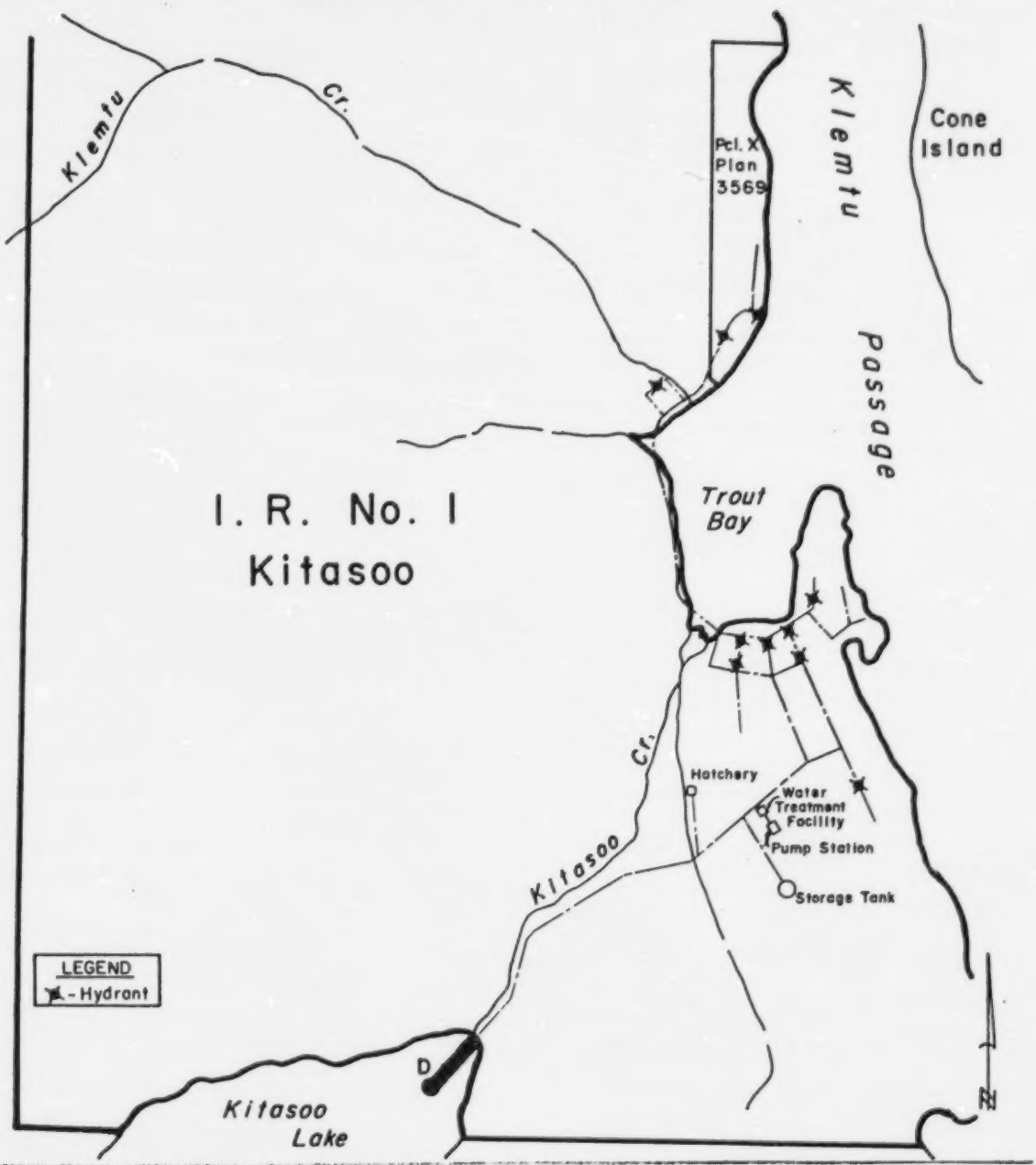
(h) The works authorized are diversion structure, pipe, pump station, tank, hatchery, water treatment facility and hydrants, which shall be located approximately as shown on the attached plan.

(i) The construction of the said works has been completed and the water is being beneficially used. The licensee shall continue to make a regular beneficial use of water in the manner authorized herein.

W.H. Dreher, P. Eng.
Regional Water Manager
Skeena Region

File No: 6000602 Date Issued: JAN 20 1993 Conditional Licence 101239

Province of British Columbia



WATER DISTRICT : **PRINCE RUPERT**
PRECINCT : **KITIMAT**
LAND DISTRICT : **RANGE 3, COAST**

LEGEND

Scale : 1 : 10,000
Point of Diversion : ●
Map Number : WR 103 A . NE (10-a)
Pipe : ———
Permit over Crown Land: ———

The boundaries of the land to which this licence is appurtenant are shown thus: ———

Signature Wheler

Date JAN 20 1993

C.L. 101239
File 6000602
P.C.L. 20562

MINISTRY OF ENVIRONMENT, LANDS AND PARKS

WATER MANAGEMENT BRANCH

PROVINCE OF BRITISH COLUMBIA - WATER ACT

CONDITIONAL WATER LICENCE

Kitasoo Band Council (987-540-7886) of Klemtu, B.C., V0T 1L0

is hereby authorized to store water as follows:

(a) The stream on which the rights are granted is Kitasoo Creek.

(b) The point of storage is located as shown on the attached plan.

(c) The date from which this licence shall have precedence is 19th June, 1990.

(d) The purpose for which this licence is issued is storage.

(e) The maximum quantity of water which may be stored is 312 acre feet.

(f) The period of the year during which the water may be stored is the whole year.

(g) The land upon which the water is to be stored and to which this licence is appurtenant is Kitasoo Indian Reserve #1, Swindle Island, Range 3, Coast District.

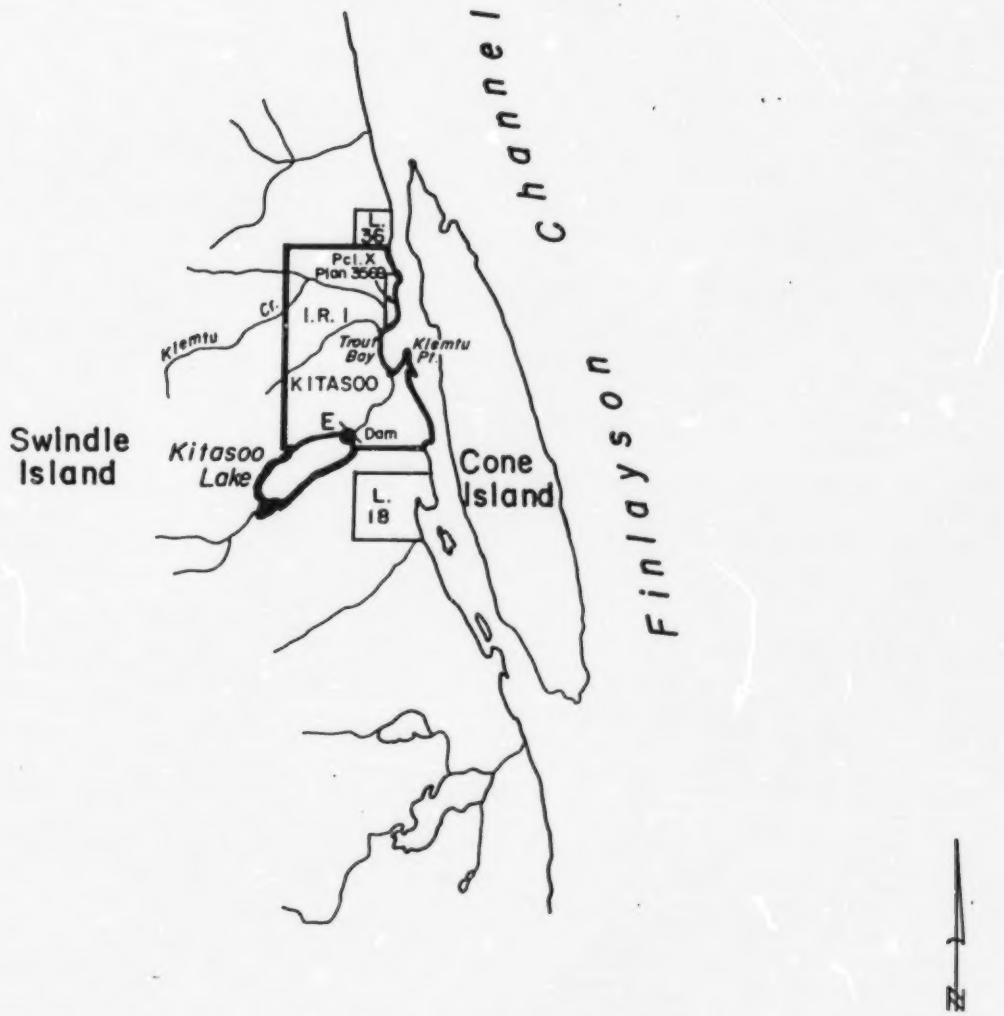
(h) The works authorized are dam and reservoir, which shall be located approximately as shown on the attached plan.

(i) The construction of the said works has been completed and the water is being stored. The licensee shall continue to store water in the manner authorized herein.

W.H. Dreher, P. Eng.
Regional Water Manager
Skeena Region

File No: 6000602 Date Issued: JAN 20 1993 Conditional Licence 105854

Province of British Columbia



WATER DISTRICT : PRINCE RUPERT
PRECINCT : KITIMAT
LAND DISTRICT : RANGE 3, COAST

LEGEND

Scale : 1 inch = 80 chains
Point of Diversion : ●
Map Number : WR 103·A·NE (10a)

Permit over Crown Land: ▬▬▬

The boundaries of the land to which this licence is appurtenant are shown thus: ———

Signature _____

Date JAN 20 1993

C.L. 105854
File 6000602
P.C.L. 20574

DEPARTMENT OF LANDS, FORESTS, AND WATER RESOURCES
WATER RESOURCES SERVICE
WATER RIGHTS BRANCH
VICTORIA, B.C.

ORDER

WATER ACT

Section 16

FILE NO. 072039

IN THE MATTER of Final Water Licence 10013 which authorizes the diversion of 10,000 gallons a day of water from Klemtu Creek for industrial and domestic purpose in a cannery situated on Lot "A" of Kitasoo Indian Reserve, Swindle Island, Range 3, Coast District.

Having received an application for Transfer of Appurtenancy from the licensee, and being satisfied that no person's rights will be injuriously affected I hereby amend Clause (g) of the said licence to read as follows:-

(g) The land upon which the water is to be used and to which this licence is appurtenant is Parcel X, Kitasoo Indian Reserve No.1, Range 3, Coast District, Swindle Island, Plan 3569.

Dated at Victoria, B.C., this 2nd day of December, 1970.

A K Sutherland

A. K. Sutherland,
Deputy Comptroller of Water Rights.

W.R.B. 1C 4-636-9554

PROVINCE OF BRITISH COLUMBIA.

WATER RIGHTS BRANCH.

DEPARTMENT OF LANDS.

FINAL WATER LICENCE.

J. H. Todd and Sons, Limited, of Victoria, B.C., is

hereby authorized to divert and use water as follows:—

(a.) The source of the water-supply is Klemtu creek, tributary to Klemtu Passage of Finlayson Channel.

(b.) The point of diversion is located as shown on the attached plan.

(c.) The date from which this licence shall have precedence is 27th September, 1926.

(d.) The purpose for which the water is to be used is Industrial and Domestic.

(e.) The maximum quantity of water which may be diverted is 10,000 gallons a day,

and such additional quantity as the District Engineer may from time to time determine should be allowed for losses.

(f.) The period of the year during which the water may be used is the whole year.

(g.) The land upon which the water is to be used ~~and to which this license is appurtenant~~ is a cannery situated on Lot "A" of Kitasoo Indian Reserve, Swindle Island, Range 3, Coast District,

as shown on the attached plan.

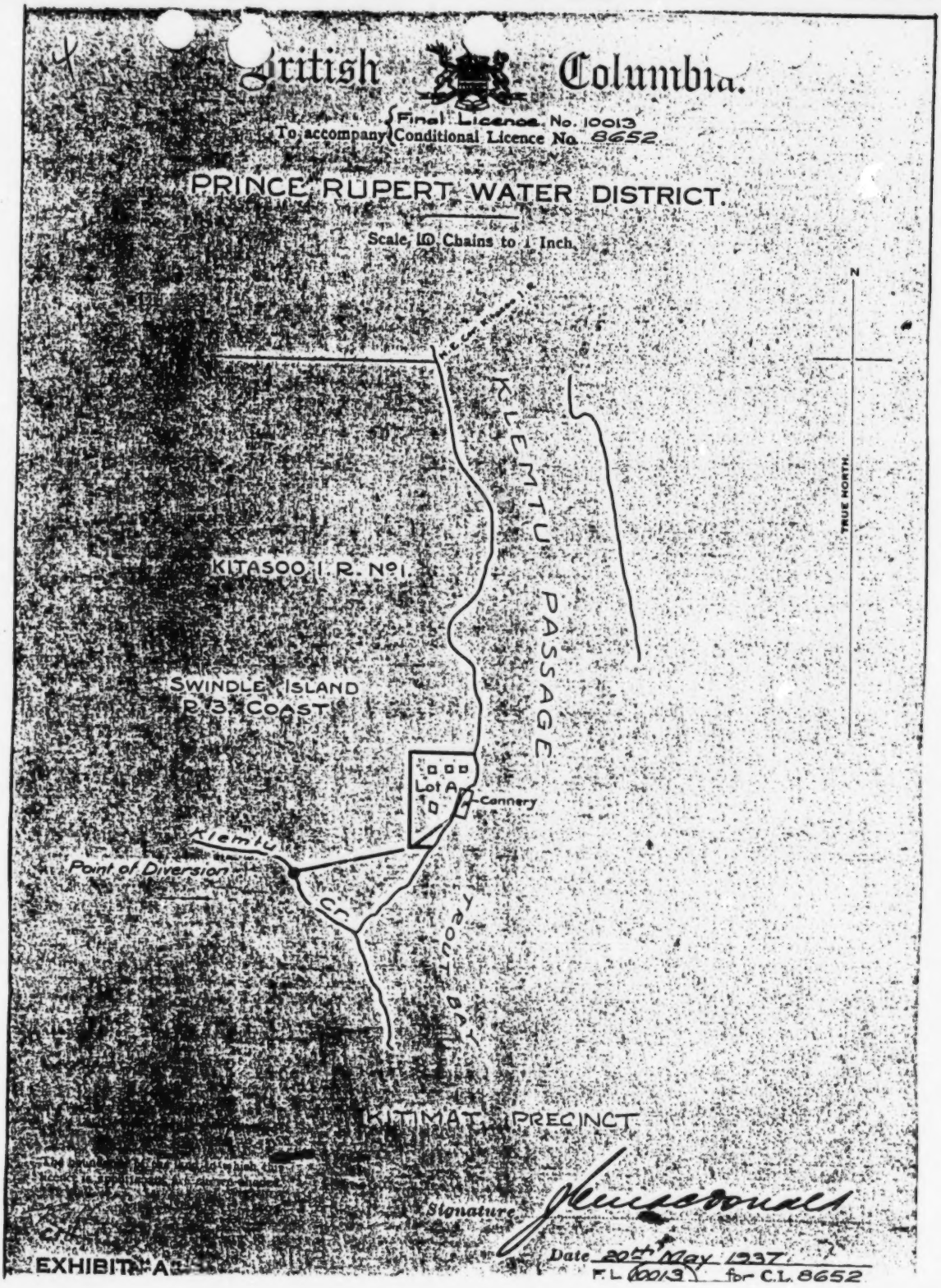
(h.) The works for the diversion & carriage of the water are pipes.

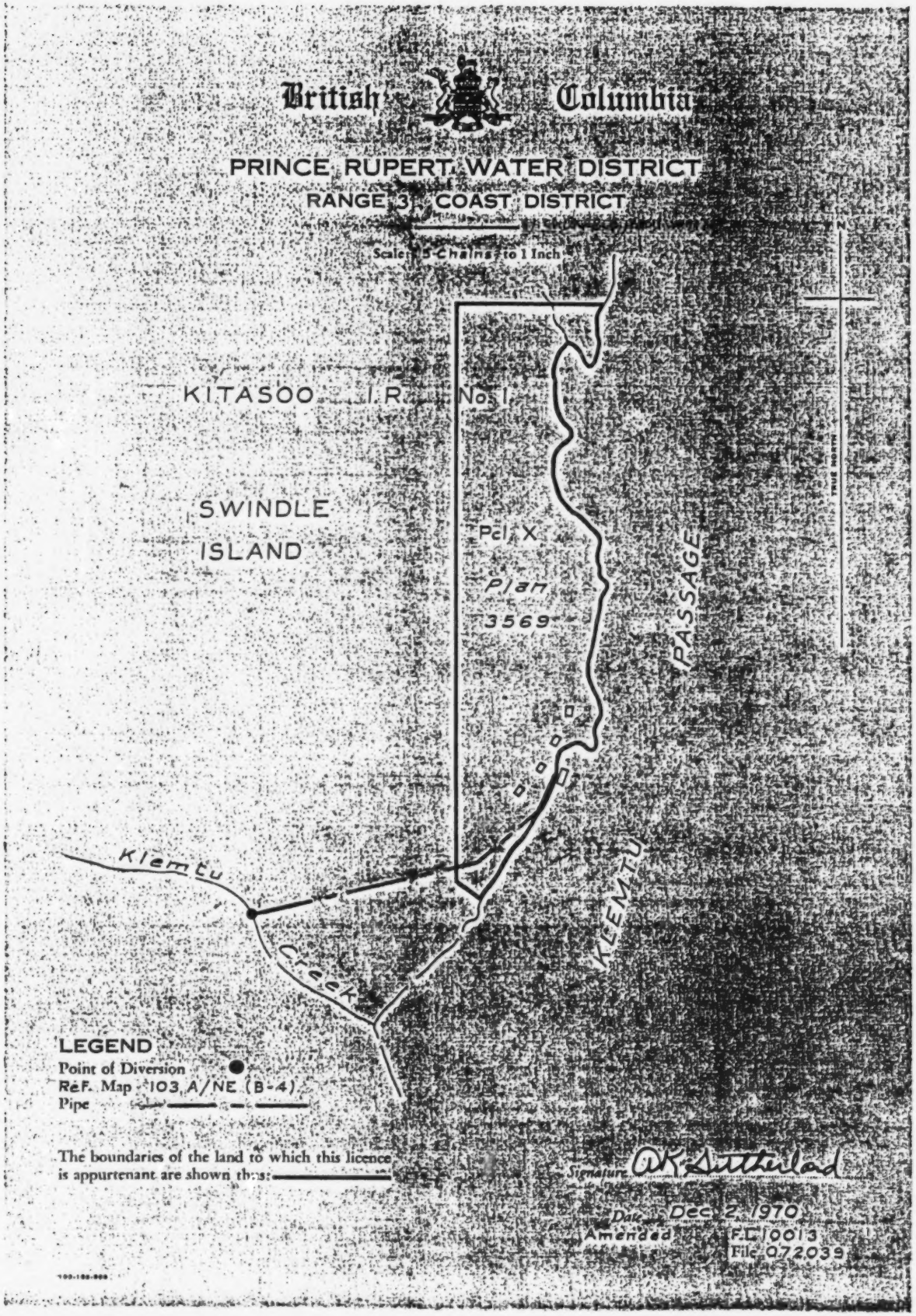
(i.) This licence is issued in substitution of Conditional Water Licence No. 8652.

ENTERED Card
Maps: Wat. Map 25 (Acc.)
Log: Cards

A. C. Macdonald
Comptroller of Water Rights.

File No. 072039. Date issued 20th May, 1937. Licence No. 10013


British Columbia.
Final Licence No. 10013
To accompany Conditional Licence No. 8652
PRINCE RUPERT WATER DISTRICT.
Scale, 10 Chains to 1 Inch.
N
TRUE NORTH.
KLEMTU PASSAGE
KITASOO I. R. No. 1
SWINDLE ISLAND
P.R. 3 COAST
Lot A
Cannery
Klemtu
Point of Diversion
Cr.
ROCH BAY
KITIMAT PRECINCT
Signature
Date 20th May 1937.
F. L. 10013 for C. L. 8652
EXHIBIT "A"


British Columbia
PRINCE RUPERT WATER DISTRICT
RANGE 3 COAST DISTRICT
Scale: 5 Chains to 1 Inch
KITASOO I.R. No. 1
SWINDLE ISLAND
Pcl. X
Plan 3569
PASSAGE
KLEMTU
Klemtu
Creek
LEGEND
Point of Diversion
Ref. Map 103 A/NE (B-4)
Pipe
The boundaries of the land to which this licence is appurtenant are shown thus:
Signature A.K. Sutherland
Date Dec. 2, 1970
Amended
F.C. 10013
File 0720390

Province of
British Columbia

Ministry of
Environment

Skeena Region
Bag 5000
Smithers
British Columbia
V0J 2N0
Telephone: (604) 847-7270

ORDER

WATER ACT

Section 15

File No. 0121049

In the matter of Final Water Licence 13092, which authorizes the diversion of water from Kitasoo Creek and Lake for domestic purpose.

Having determined that the purpose for which the water is to be used has been erroneously stated, and being satisfied that no persons rights will be injuriously affected, I hereby amend clause (d) of said licence to read as follows:

(g) The purpose for which the water is to be used is waterworks.

Dated at Smithers, B. C., this 24th day of August, 1990.

W.H. Dreher, P. Eng.
Regional Water Manager
Skeena Region

ORDER

WATER ACT

Section 13

FILE NO. 0121049

Being satisfied that no person's rights will be injuriously affected, I hereby amend clauses (d), (e) and (h) of Final Water Licence No. 13092, Kitasoo Creek and Lake to read as follows:-

(d) The purpose for which the water is to be used is domestic.

(e) The maximum quantity of water which may be diverted is 20,000 gallons a day.

(h) The works for the diversion and the carriage of the water consists of dam and pipes.

Dated at Victoria, B.C., this 25th day of July, 1957.

V. Raudsepp,
Deputy Comptroller of Water Rights.

W.R.B. 3—2M-627-4937

PROVINCE OF BRITISH COLUMBIA.

WATER RIGHTS BRANCH.

DEPARTMENT OF LANDS.

FINAL WATER LICENCE.

The ~~Superintendent General~~ Director of Indian Affairs of Ottawa, Canada, is hereby authorized to divert and use water as follows:—

(a.) The source of the water-supply is Kitasoo Creek and Lake

a tributary of

(b.) The point of diversion from the stream is located as shown in the Exhibit marked "A" hereto attached.

(c.) The date from which this licence shall have precedence is 24th June, 1935.

(d.) The purpose for which the water is to be used is Power and Domestic.

(e.) The maximum quantity of water which may be diverted from the stream ~~is~~ for power purpose is 1.10 cubic foot per second and for domestic purpose is 15,000 gallons a day

(f.) The period of the year during which the water may be used is the whole year.

(g.) The land upon which the water may be used is Kitasoo Indian Reserve No. 1, Swindle Island, Range 3, Coast District (exoluding the cannery site Lot "A"),

as shown in the said Exhibit "A"

(h.) The works for the diversion and the carriage of the water consists of

Dam, Pipes and Turbine.

(i.) This licence is issued in substitution of Conditional Water Licence No. 12626.

ENTERED ON
Map No. 25(A-11)
By A~L
CHECKED BY

Comptroller of Water Rights.

File No. 0121049 Date issued September 1, 1948 Licence No. 13092

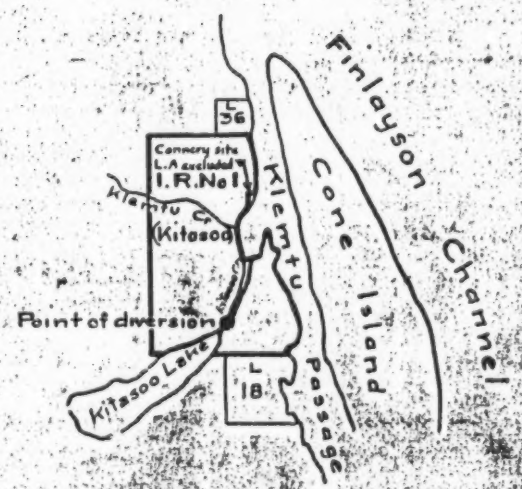
British Columbia.

THE GOVERNMENT OF THE PROVINCE OF BRITISH COLUMBIA.

To accompany { Firial Licence No. 13092 For / Conditional Licence No. 12626 } ..... Precinct.

PRINCE RUPERT WATER DISTRICT.

Scale, 80 Chains to 1 Inch.



R. 3 COAST DISTRICT

KITIMAT PRECINCT

LEGEND

Point of Diversion ~ ●

Pipe ——— - ———

The boundaries of the land to which this licence is appertenant are shown thus ———

Signature [signature]

Date 1st Sept 1940

F.L. 13092 for C.L. 12626

File 0121049

EXHIBIT "A" Ref. Map 25 (A-11)

ATTACHMENT 3

MINISTRY OF ENVIRONMENT, LANDS AND PARKS
WATER MANAGEMENT BRANCH

PROVINCE OF BRITISH COLUMBIA

PERMIT UNDER THE WATER ACT AUTHORIZING THE OCCUPATION OF CROWN LAND

The holder of Conditional Water Licence 101239, being Kitasoo Band Council (987-540-7886) at the date of issue of the said licence, whose licence authorizes the diversion of water from Kitasoo Lake, is hereby authorized to occupy Crown Land by constructing, maintaining and operating thereon the works authorized under the said licence and any licence which may be issued in substitution thereof.

(a) The Crown land which is authorized to be occupied under this permit is a portion of Unsurveyed Foreshore and Land, Range 3, Coast District, covered by the waters of Kitasoo Lake, the location of which is shown approximately on the plan attached to the said water licence.

(b) The approximate dimensions of the Crown Land authorized to be occupied under this permit are 430 feet in length, 15 feet in width and having an area of 0.15 acres

(c) This permit is appurtenant to the land, mine or undertaking to which the aforesaid water licence is appurtenant.

(d) This permit shall become void if the water licence with respect to which the permit is issued should terminate, be abandoned or cancelled, or amended so as to render this permit unnecessary.

(e) This permit is issued and accepted on the understanding that the permittee shall indemnify and save harmless the Government of the Province of British Columbia for all loss, damage to works, cost or expense suffered by the permittee by reason of the Crown Land or any portion thereof being submerged or damaged by erosion or otherwise affected by flooding.

(f) The holder of this permit shall not be entitled to compensation if the Crown grants permits to other persons to occupy the land affected by this permit.

(g) In the event of a dispute at any time with respect to the area or boundaries of the land affected by this permit, the holder shall, at his own expense, have the said land surveyed by a duly qualified surveyor.

W.H. Dreher, P. Eng.
Regional Water Manager
duly authorized representative of the
Minister of Environment, Lands & Parks

File No. 6000602 Date issued: JAN 20 2003 Permit No. 20562

MINISTRY OF ENVIRONMENT, LANDS AND PARKS
WATER MANAGEMENT BRANCH

PROVINCE OF BRITISH COLUMBIA

PERMIT UNDER THE WATER ACT AUTHORIZING THE OCCUPATION OF CROWN LAND

The holder of Conditional Water Licence 105854, being Kitasoo Band Council (987-540-7886) at the date of issue of the said licence, whose licence authorizes the storage of water from Kitasoo Creek and the reservoir is Kitasoo Lake is hereby authorized to occupy Crown Land by flooding, constructing, maintaining and operating thereon the works authorized under the said licence and any licence which may be issued in substitution thereof.

(a) The Crown land which is authorized to be occupied under this permit is a portion of Unsurveyed Crown Land, Range 3, Coast District, the location of which is shown approximately on the plan attached to the said water licence.

(b) The approximate area of the Crown Land authorized to be occupied under this permit are:

damsite	-	1.00 acres
reservoir	-	10.00 acres
Total area		11.00 acres

(c) The permittee may cut and remove from the said Crown Land any timber necessary to permit construction and maintenance of the said works (and clearing of the said lands which may be flooded). Prior to the cutting, destruction or flooding of any timber, the permittee shall apply for and obtain a licence to cut timber from the District Manager and the amount of stumpage, royalty and (or) compensation payable to the Crown in respect of trees, including merchantable or young growth, cut, removed, damaged, or destroyed by the permittee, shall be the sum or sums fixed by the Forest Service of the Province of British Columbia.

(d) This permit is appurtenant to the land, mine or undertaking to which the aforesaid water licence is appurtenant.

(e) This permit shall become void if the water licence with respect to which the permit is issued should terminate, be abandoned or cancelled, or amended so as to render this permit unnecessary.

(f) This permit is issued and accepted on the understanding that the permittee shall indemnify and save harmless the Government of the Province of British Columbia for all loss, damage to works, cost or expense suffered by the permittee by reason of the Crown Land or any portion thereof being submerged or damaged by erosion or otherwise affected by flooding.

(g) The holder of this permit shall not be entitled to compensation if the Crown grants permits to other persons to occupy the land affected by this permit.

(h) In the event of a dispute at any time with respect to the area or boundaries of the land affected by this permit, the holder shall, at his own expense, have the said land surveyed by a duly qualified surveyor.

W.H. Dreher, P. Eng.
Regional Water Manager
duly authorized representative of the
Minister of Environment, Lands & Parks

File No. 6000602 Date issued: JAN 20 1993 Permit No. 20574

Province of
British Columbia

Ministry of the
Environment

PERMIT UNDER THE WATER ACT AUTHORIZING THE OCCUPATION OF CROWN LAND

The Honourable Minister of Indian and Northern Affairs of Ottawa, Ontario

the holder(s) of Conditional/~~Final~~ Water Licence(s) 53011 authorizing
the diversion of water from Baron Lake

is/are hereby

authorized to occupy Crown land by constructing, maintaining, and operating thereon the works authorized under the said water licence and any licences which may be issued in substitution thereof.

(*a*) The Crown land which is authorized to be occupied under this permit is a portion of
Lot 36 and unsurveyed land, Range 3, Coast District

N.W.L.

the location of which is shown approximately on the plan attached to the said water licence.

(*b*) The approximate dimensions of the Crown land authorized to be occupied under this permit are

(1)	powerhouse site		1 acre
(2)	transmission line	10,000 feet by 15 feet	3.44acres
(3)	pipeline	3,000 feet by 15 feet	1.03acres
		total area	5.47acres

(*c*) Subject to the payment of royalty, stumpage, and other compensation, and the obtaining of a licence to cut timber as provided under Condition 5, the permittee may cut and remove from the said land any timber, the removal of which is necessary to permit construction and maintenance of the said works.

(*d*) The annual rental for this permit is $ 15.00 , which is subject to review and revision at any time at the discretion of the Crown.

(*e*) This permit is appurtenant to the land, mine, or undertaking to which the aforesaid water licence is appurtenant.

(*f*) The conditions relative to the rights granted under this permit are printed on the back of this form.

Deputy Minister of Environment

File No. 0364965

Ref. Map 103 A/NE (10-a)

W. R. Map ————— Date issued: 1st November, 1979 Permit No. 12174

W.R.B. 12

CONDITIONS RELATIVE TO THE RIGHTS GRANTED UNDER THIS PERMIT

1. This permit is issued under the *Water Act*, and the rights hereby granted are subject at all times to the provisions of that Act and all Acts passed in amendment or substitution thereof and to all regulations from time to time made under any such Act.

2. There is reserved to the Crown the right to grant to other persons permits to occupy the land affected by this permit without compensation to the permittee or his successors in title.

3. In the event of any dispute arising at any time between the permittee and any owner of land adjacent to the land affected by this permit with respect to the area or boundaries of the land so affected, the licensee shall at his own expense, when so directed by the Deputy Minister of the Environment, have the said land surveyed by a duly qualified surveyor, and shall likewise file with the Ministry of the Environment at Victoria, British Columbia, a plan showing the result of the survey.

4. This permit and the rights granted hereunder are subject always to compliance by the permittee with the terms of his water licence, and if the rights granted under the said licence should at any time be suspended or terminated, the rights granted under this permit are thereupon likewise suspended or terminated.

5. The amount of stumpage, royalty, and (or) compensation payable to the Crown by the permittee in respect of trees, including merchantable or young growth, cut, removed, damaged, or destroyed by the permittee, shall be the sum or sums fixed by the Forest Service of the Province of British Columbia. Prior to the cutting, destruction, or flooding of any timber, the permittee must apply for and obtain a licence to cut timber from the District Forester.

Province of
British Columbia

Ministry of the
Environment

PERMIT UNDER THE WATER ACT AUTHORIZING THE OCCUPATION OF CROWN LAND

The Honourable Minister of Indian and Northern Affairs of Ottawa, Ontario

the holder(s) of Conditional Water Licence(s) 53012 authorizing
the storage of water in Baron Lake

is/are hereby

authorized to occupy Crown land by flooding, and constructing, maintaining, and operating thereon the works authorized under the said water licence and any licences which may be issued in substitution thereof.

(*a*) The Crown land which is authorized to be occupied under this permit is a portion of unsurveyed land, Range 3, Coast District,

the location of which is shown approximately on the plan attached to the said water licence.

(*b*) The approximate dimensions of the Crown land authorized to be occupied under this permit are

(1)	damsite	1 acre
(2)	flooded	2 acres
	total area	3 acres

(*c*) Subject to the payment of royalty, stumpage, and other compensation, and the obtaining of a licence to cut timber as provided under Condition 5, the permittee may cut and remove from the said land any timber, the removal of which is necessary to permit construction and maintenance of the said works.

(*d*) The annual rental for this permit is $ 12.00 , which is subject to review and revision at any time at the discretion of the Crown.

(*e*) This permit is appurtenant to the land, mine, or undertaking to which the aforesaid water licence is appurtenant.

(*f*) The conditions relative to the rights granted under this permit are printed on the back of this form.

Deputy Minister of Environment

File No. 0364965

Ref. Map 103 A/NE (10-a)

W. R. Map ———— Date issued: 1st November, 1979 Permit No. 12175

W.R.B. 12

CONDITIONS RELATIVE TO THE RIGHTS GRANTED UNDER THIS PERMIT

1. This permit is issued under the *Water Act*, and the rights hereby granted are subject at all times to the provisions of that Act and all Acts passed in amendment or substitution thereof and to all regulations from time to time made under any such Act.

2. There is reserved to the Crown the right to grant to other persons permits to occupy the land affected by this permit without compensation to the permittee or his successors in title.

3. In the event of any dispute arising at any time between the permittee and any owner of land adjacent to the land affected by this permit with respect to the area or boundaries of the land so affected, the licensee shall at his own expense, when so directed by the Deputy Minister of the Environment, have the said land surveyed by a duly qualified surveyor, and shall likewise file with the Ministry of the Environment at Victoria, British Columbia, a plan showing the result of the survey.

4. This permit and the rights granted hereunder are subject always to compliance by the permittee with the terms of his water licence, and if the rights granted under the said licence should at any time be suspended or terminated, the rights granted under this permit are thereupon likewise suspended or terminated.

5. The amount of stumpage, royalty, and (or) compensation payable to the Crown by the permittee in respect of trees, including merchantable or young growth, cut, removed, damaged, or destroyed by the permittee, shall be the sum or sums fixed by the Forest Service of the Province of British Columbia. Prior to the cutting, destruction, or flooding of any timber, the permittee must apply for and obtain a licence to cut timber from the District Forester.

ATTACHMENT 4

Stream Register Report Water Licence Information System

Report Requested By : CROCHA
Date Report Requested : 1996/10/15 13:24
Report Sorted By : Source Gazetted - Priority Date - Licence Number
Selection Criteria
START POINT : FD35446 - 103A/NE(10-h) A
END POINT : 3020760 - Baron Lake on Baron Creek

Priority YYYY/MM/DD	Licence File Number	Appurtenancy Number	Licensee	PUC	Quantity/Units	Term Start	Term End	Licence Comments	Process Status
Source		WR Map	POD	RED POD Comments				Prec	
1978/12/04	C053011	0364965 PWRHOUSE SITE SITUATED ON UCL SWINDLE I R 3 COAST DIST	KITASOO POWER LTD GD KLEMTU BC V0T1L0	PRGEN	6.00 CS	Jan 01	Dec 31	STOR AT C 53012 BARON LK	
Baron Lake		WR103A/NE(10-h)	A N					25A PR - KITIMAT	
1978/12/04	C053012	0364965 STOR FOR C 53011 BARON LK	KITASOO POWER LTD GD KLEMTU BC V0T1L0	STOPR	910.00 AF	Jan 01	Dec 31	STOR IN LK	
Baron Lake		WR103A/NE(10-h)	A N					25A PR - KITIMAT	

---------- Total of 2 Licences Reported ----------

Stream Register Report Water Licence Information System

Report Requested By : CROCHA
Date Report Requested : 1996/10/15 13:26
Report Sorted By : Source Gazetted - Priority Date - Licence Number
Selection Criteria
START POINT : NO20770 - Kitasoo Lake on Kitasoo Creek
END POINT : SO20767 - Kitasoo Creek on Salt Water

Priority YYYY/MM/DD	Licence Number	File Number	Appurtenancy	Licensee	POD	RED	POD Comments	FUC	Quantity/Units	Term Start	Term End	Licence Comments	Process Status	Source	WR Map	Prec
1990/06/19	C105854	6000602 T	KITASOO IR 1 SWINDLE IS R 3 COAST DIS	KITASOO INDIAN BAND 987-540-7886 GD KLEMTU BC V0T1L0				STOR	312.00 AF	Jan 01	Dec 31			Kitasoo Creek	WR103A/NE(10-a)	25A FR - KITIMAT

---------- Total of 1 Licence Reported ----------

Stream Register Report Water Licence Information System

Report Requested By : CROCHA
Date Report Requested : 1996/10/15 13:34
Report Sorted By : Source Gazetted - Priority Date - Licence Number
Selection Criteria
START POINT : PD35455 - 103A/NE(10-a) D
END POINT : SO20770 - Kitasoo Lake on Kitasoo Creek

Priority YYYY/MM/DD	Licence Number	File Number	Appurtenancy	Licensee	PUC	Quantity/Units	Term Start	Term End	Licence Comments	Process Status
	Source		MR Map	POD	RED POD Comments				Prec	
1935/06/26	F013092	0121049	IR #1 KATASOO SWINDLE I EXC THE CANNERY SITE L A R 3 COAST DIST	KITASOO INDIAN BAND 987-540-7886 GD KLEMTU BC V0T1L0		DOM	20,000.00 GD	Jan 01	Dec 31	
	Kitasoo Lake		WR103A/NE(10-a)	D	N				25A FR - KITIMAT	
1990/06/19	C101239	6000602	KITASOO IR #1 SWINDLE ISLAND R 3 COAST DIST	KITASOO INDIAN BAND 987-540-7886 GD KLEMTU BC V0T1L0		WWKOT CONUS	36,000.00 GD 0.75 CS	Jan 01 Jan 01	Dec 31 Dec 31	
	Fitasoo Lake		WR103A/NE(10-a)	D	N				25A FR - KITIMAT	

---------- Total of 2 Licences Reported ----------

Stream Register Report Water Licence Information System

Report Requested By : CROCHA
Date Report Requested : 1996/10/15 13:36
Report Sorted By : Source Gazetted - Priority Date - Licence Number
Selection Criteria
START POINT : FD35451 - 103A/NE(10-a) B
END POINT : SO20762 - Klemtu Creek on Salt Water

Stream Register Report — Water Licence Information System — DATE: 1996/10/15 TIME: 13:36 PAGE: 001

Priority YYYY/MM/DD	Licence Number	File Number	Appurtenancy	Licensee	PUC	Quantity/Units	Term Start	Term End	Licence Comments	Process Status
Source			WR Map	POD	RED POD Comments				Proc	
1926/09/27	P010013	0072039	PARCEL X IR #1 KITASOO, SWINDLE I R 3 COAST DIST PLAN 3569	KITASOO INDIAN BAND 987-540-7886 GD KLEMTU BC V0T1L0	DOM PROCE	10,000.00 GD 1,000.00 GD	Jan 01	Dec 31 Dec 31	(J H TODD & SONS LIMITED WERE THE OWNERS HIP OF THE LEASE) CANNERY	
			(SEE COMMENTS)							
Klemtu Creek			WR103A/NE(10-a)	C N					25A FR - KITIMAT	
1970/06/17	C040991	0296615	KITASOO IR #1 SWINDLE ISLAND R 3 COAST DIST EXC PLAN 3569	KITASOO INDIAN BAND 987-540-7886 GD KLEMTU BC V0T1L0	DOM	10,000.00 GD	Jan 01	Dec 31		
Klemtu Creek			WR103A/NE(10-a)	B N					25A FR - KITIMAT	

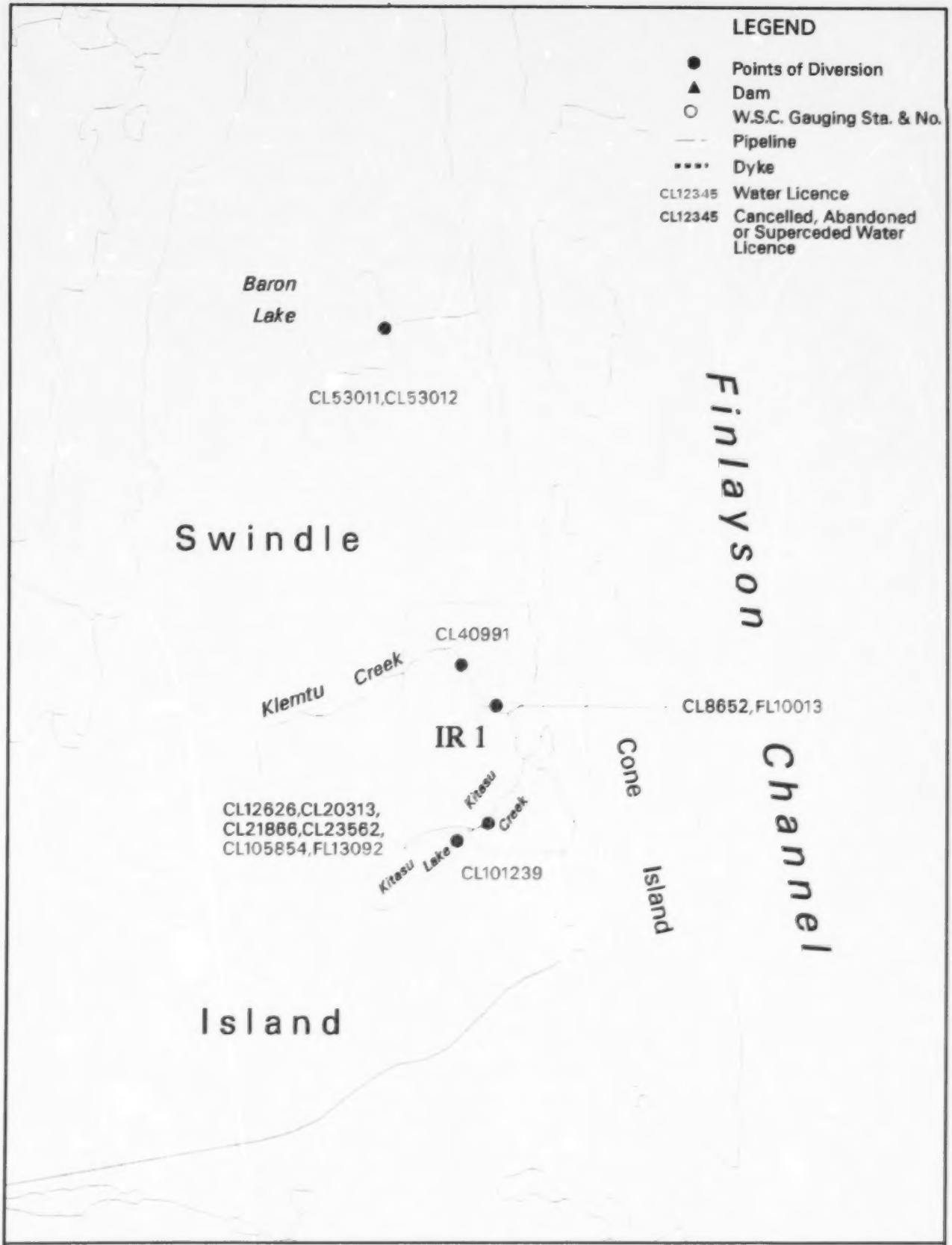
---------- Total of 2 Licences Reported ----------

ATTACHMENT 5

1	Kemsquit	Coast district, at the mouth of the Kemsquit river, Dean canal.	Kemsquit	502·00	Allotted by Comm'r. O'Reilly, August 14, 1882. Surveyed, 1888. Approved, May 18, 1889.
2	Chatcnah	Coast district, on the Chatcnah river, at the head of Dean canal.	"	428·00	
1	Kitasoo	Coast district, on Swindle island, in Trout bay, Klemtoo passage.	Kitasoo	812·00	
2	Canoona	Coast district, on Princess Royal island, on the western shore of Graham reach.	"	542·00	The Kitasoo Indians have the privilege of fishing in the Canoona river for a distance of two miles from its mouth.
1	Kitimat	Coast district, on the left bank of Klaklalisha river, Douglas channel, 1 mile from its mouth.	Kitimat	467·00	
2	"	Coast district, on the eastern shore of Douglas channel, 3 miles south of reserve No. 1.	"	386·00	Allotted by Comm'r. O'Reilly, July 24, 1889. Surveyed, 1891. Approved, May 4, 1892.
3	Wawolth	Coast district, on the eastern shore of Douglas channel, one mile south of reserve No. 2.	"	41·50	
4	Tahla	Coast district, at the head of Kildala arm, Douglas channel.	"	12·50	
5	Tsinguciss		"	92·00	
6	Wish		"	180·00	Jan. 17, 1910. These reserves were defined by Comm'r A. W. Vowell, but have not yet been approved by the Prov. Govt. Not yet surveyed.
7	Kitisa		"	10·00	
8	Kildala Arm		"		
1	Kitkahta	Coast district, on the northern shore of Kitkahta bay, Douglas channel.	Kitkahta	278·00	
2	Burial-ground	Coast district, on the left bank of the Quaal river, Kitkahta bay, at its mouth.	"	0·33	Allotted by Commissioner O'Reilly, July 22, 1889. Surveyed, 1891. Approved, May 4, 1892.
3	Quaal	Coast district, on the right bank of Quaal river, one mile from its mouth.	"	71·80	
4	Kulkayu, Hartly Bay	Coast district, on the southern shore of Hartly bay, Douglas channel.	"	323·00	
1	Dolphin Island	Coast district, between Hecate strait and Ogden channel.	Kitlathla	3,848 00	
2	Grassy Islet	Coast district, one mile north of Dolphin island.	"	1·10	Allotted by Comm'r. O'Reilly, September 21, 1882. Surveyed, 1891-2. Approved, June 30, 1893.
3	Kumowadah	Coast district, at the head of Lowe inlet, Grenville channel.	"	184·00	
4	Sand Island	Coast district, 1 mile north of reserve No. 1.	"	5·00	Allotted by Commissioner O'Reilly, July 10, 1891. Surveyed, 1891-2. Approved, June 30, 1893.
5	Klapthlon	Coast district, 1 mile northwest of Calvert point, Grenville channel.	"	112·00	
5A	"	Coast district, an addition to reserve No. 5, on the west.	"	126·00	Allotted by Comm'r. O'Reilly, September 6, 1893. Surveyed, 1901. Approved, Dec. 10, 1901.
6	Pa-aat	Coast district, on the eastern shore of Pitt island, 2 miles south of False Stuart anchorage.	"	15·00	
7	Tsimtack	Coast district, on Pitt island, on the western shore of Union passage.	"	27·00	
8	Toowarts	Coast district, on the southern shore of Pitt island.	"	52·00	

FISHING APPLIES TO ENTIRE KITASOO BAND

ATTACHMENT 6



KITASOO FIRST NATION

Scale: 1 : 50,000

Ministry of Environment, Lands & Parks | Date: April 2000 | Environment & Lands Division